

Notebook on Bail

PART ONE

Preparing Applications for Release

By
Bail for Immigration Detainees (BID)

This Notebook on Bail is for people detained by the UK Immigration Service.

It does not advise you on applications to stay in the UK and it cannot replace a legal representative.

The Notebook on Bail is in two parts. This is Part One. Part One aims to help you access bail through a legal representative.

Part Two is called "Representing yourself in Bail Applications". See page 35 for information about Part Two.

To check that this is the latest version of the Notebook on Bail, please call BID on:

020 7247 3590; fax: **020 7247 3550** (BID London)

0239 258 7567; fax: **0239 258 7666** (BID South)

0845 330 4536; fax: **0845 440 4537** (BID Oxford)

BID also produces "Legal Bulletins" on particular issues. Please ring any BID office to check if there is one that is relevant to your case.

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This Notebook on Bail is Free.

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Stages of Preparation using the Notebook on Bail

Read the Notebook on Bail from beginning to end.



Learn about different applications for release, see pages 12 to 18.



Write to your legal representative to ask them to make an application for release, see page 22. There is a letter you can use at page 37.



Find a place where you can live if you are released, see page 25.



Find out what a surety is, see page 27.

Contact people who may be able to be a surety for you.
There is a form on page 38 that you can use to collect information.



What arguments can you use to support your bail application?
See page 33.



Give your representative information that you have collected in support of your case.

Ask (in a letter) if your representative can make an application for release in the light of the new information/documents, see page 35.

If you are thinking about representing yourself in a bail application, ask BID for a copy of the Notebook on Bail Part Two, "Representing yourself in Bail Applications". It is free. BID's contact details are on the front of this Notebook.

Why BID wrote the Notebook on Bail

BID wrote this Notebook on Bail to help you:

- Understand your rights and make decisions about applications for release.
- Ask your representative to make applications for your release.
- Start thinking about arguments for release and collecting documents.
- Exercise your rights.

The production of this Notebook on Bail was made possible through funding from The Body Shop Foundation and Amnesty International UK Section Charitable Trust.

What is BID?

Bail for Immigration Detainees (BID) is a small charity that was started in 1998 to help immigration detainees to access bail. Since BID started we have made over 1000 successful applications for people's release.

BID believes that the Immigration Service should not detain asylum seekers and migrants because the Right to Liberty is an important human right.

But whilst the Immigration Service detains people, BID will work to help detainees access bail procedures so that detainees can exercise their Right to Liberty.

BID is too small an organisation to make bail applications for everyone who needs its help and so we also try to increase people's access to bail by:

- Training legal representatives to make bail applications on behalf of their clients.
- Carrying out research and policy work in relation to detention and bail so that we can challenge the government's worst detention policies, such as the detention of families with children.
- Advising people in detention of their rights and how to exercise them, for example through the Notebook on Bail.

BID cannot prepare immigration or asylum applications. BID only prepares and presents bail applications.

The Right To Liberty

It can be difficult to understand why the Immigration Service is allowed to detain you when you are not serving a criminal sentence. But the law does offer you some protection.

Detainees are often released when the Immigration Service's reasons for detention are challenged through applications for release.

The Right to Liberty is a basic human right.

The Immigration Judge must remember how important the Right to Liberty is when deciding whether to release you or not. Their Guidance Notes on Bail remind them of this.

The starting point in all bail hearings should be the assumption that the applicant should be free.

In UK law this is called the **presumption in favour of liberty**.

It means that in bail hearings the Immigration Service must:

- Show that your detention is **essential**.
- Show that there is **no alternative** to detention.
- **Have evidence** to show that what they are saying is true if you challenge what they are saying.

If the Immigration Service cannot do these things, the Immigration Judge should release you.

Right to Regular Review of your Detention

The right to regular review of your detention is linked to the Right to Liberty.

The authorities can detain people in some circumstances, but human rights law says that someone independent of the authority detaining you must regularly review the decision to detain you.

This means you have the right to regular bail applications in the immigration courts. **If your bail application for release is refused, you have the right to make more applications for release.**

But at each bail application you need to show that something has changed in your case since your last bail application, see page 15 for more details on "changes in circumstance". BID has made applications for bail that were successful on the fifth or sixth attempt so it is important to keep trying even if it can be frustrating.

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If you do not have a complete copy of this Notebook, call BID (020 7247 3590) and we will send you one.

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Read this before you start

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

1) If the Immigration Service can send you out of the UK in a very short time because your immigration or asylum case is finished (you have no more appeals and no Judicial Review).

You are very unlikely to be released on bail if you have ‘**removal directions**’ (a date and time that the Immigration Service will send you out of the UK). If you are unsure if you are in this position, check with your legal representative.

If the Immigration Service can show the court at a bail application that you have no asylum/immigration case which is ongoing **and** that they can send you out of the UK very soon (for example in the next few days), it will be almost impossible to get bail.

If the Immigration Service gives you ‘**removal directions**’ ask a legal representative for advice if possible.

It is particularly important that you speak to a legal representative if your immigration case is finished but you believe that,

- You would not be safe in the country that the Immigration Service wants to send you to OR
- There is new information that the Immigration Service should know.

2) 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” (Operational Enforcement Manual 38.10). This means that the Home Office recognises that people in this position are particularly vulnerable.

It is very important that your legal representative knows about any health problems that you have so that he/she can get medical evidence from the detention centre medical centre and/or from an independent medical expert.

You will need medical evidence to make your case for bail stronger at a bail hearing.

You may also need evidence of what treatment or support you would be receiving if you were outside of detention. This can help show that your health would be better if you were released.

3) 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. (Operational Enforcement Manual Chapter 38.9.3) This means that the Home Office recognises that young people are particularly vulnerable.

If the Immigration Service does not believe that you are under 18, ask your legal representative 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.

If you have identity documents, give them to your legal representative. If you do not have any identity documents, try to arrange for your identity documents to be sent to you (even from your home country). This can be difficult and can take a long time, but evidence of your identity may be important for your asylum/immigration case, as well as for your bail application.

If you think that asking for your identity documents from your home country may put someone in danger, speak to your legal representative about this.

4) If you are a victim of torture or were ill-treated in your home country.

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 word torture means different things to different people. There are many types of torture. Tell your legal representative as much as possible about what has happened to you in the past and who treated you badly. Your legal representative will usually write down all the information that you give him/her in a statement.

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" (Operational Enforcement Manual 38.10).

A medical report may be important for your asylum case and also any bail applications.

Ask your representative if a doctor can visit you in detention to examine you and make a medical report about your torture. Speak to your legal representative about this as soon as possible because it can take a long time to arrange.

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.

Things to remember

Working through this Notebook on Bail, remember:

- **You have the right to ask for legal advice on your immigration or asylum application, as well as on applications for release.** It is important that you look for a representative to give you legal advice, see page 6 if you are looking for one.
- **YOUR LEGAL REPRESENTATIVE IS THE BEST PERSON TO PREPARE AND PRESENT YOUR BAIL APPLICATION.** He/She is trained to do this work and knows your immigration case. Your legal representative should have experience in preparing cases for court and so will know what to expect.

Immigration law often changes and everyone's immigration case is different. It is important that you find a good legal representative to give you advice on your case. **This Notebook on Bail gives general advice on preparing for a bail application and cannot replace a legal representative.**

- If you want to work on your own bail application, speak to your legal representative about this. He/She may already be making an application for your release.
- Talk to your legal representative before you give information to anybody else.
- Keep copies of all letters about your immigration case that you send and receive.
- When you speak to people from the Immigration Service, write down the person's name and what he/she said to you. It is difficult to know what information will be important at a later date so keep a record of all contact with the Immigration Service.

Just as the Immigration Service keeps a record of their contact with you, it is important that you have a record of your contact with them. This will make it easier to check that both records are the same at a bail hearing.

- In this Notebook on Bail there is information about applications for release and advice on how to make your case stronger. **'Action Boxes' contain the advice on what you can do to make your application for bail stronger**, for example:

Action

If you want to start preparing for a bail application:

1) Check that there are 43 pages in this Notebook on Bail. If you do not have a complete copy of the Notebook, ask BID to send you a complete copy.

If you have any concerns, stop and speak to your legal representative, if possible.

In Applications for Release, what do these Words mean?

To Abscond	To run away or live at an address without permission; to fail to report to the Immigration Service, court or police station when required. If you change address without telling the authorities or lose touch with the authorities you will be called “an absconder”. One of the reasons why the Immigration Service says it detains people is to stop people absconding. If you abscond, the Immigration Service may decide to detain you to stop you absconding again.
Appeal Pending (as in “I have an appeal pending”)	If you have an “appeal pending”, you have an ongoing case in court. You appealed against a decision (for example by the Home Office or an Immigration Judge) and are waiting either for a hearing or a decision from the court.
Appeal Number (Appeal No.)	You will be given an appeal number when the court first receives your appeal papers. Your Appeal Number will usually be a number starting HX/ or HR/ or CC/. You can find your appeal number on letters from the court.
Appellant	A person who has made an appeal to the immigration courts against a decision by the Home Office or the Immigration Service.
Applicant	A person asking to be released in a bail application.
Asylum and Immigration Tribunal (AIT)	The ‘Asylum and Immigration Tribunal’ (AIT) runs the ‘immigration courts’, also known as hearing centres, where appeal hearings and bail hearings take place. The AIT is not part of the Home Office.
Bail Renewal Hearing	An appointment at the immigration court so that an Immigration Judge can check if someone released on bail is still in touch with the immigration court and/or the Immigration Service. If the court gives you a date for a ‘Bail Renewal Hearing’, you must go to court that day; otherwise you will be treated as an absconder (see above).
Bail Application See page 12 for details	An application to be released from detention on bail (see above). It is separate from your immigration or asylum application. If you are released on bail, you may be able to live outside of detention until the end of your asylum or immigration case, as long as you stay in contact with the authorities.
Bail Summary	The reasons that the Immigration Service has for keeping you in detention. The Immigration Service prepares the bail summary for the court at the time of your bail application. The bail summary explains to the court why the Immigration Service does not want to release you.
Caution	See ‘recognizance’ below.
Cautioner	See ‘surety’ below
Chief Adjudicator’s Guidance Notes on Bail	This guidance is written by the most senior Immigration Judge in order to guide all Immigration Judges when they are making a decision in a bail hearing.
Chief Immigration Officer (CIO)	A senior officer who works for the Immigration Service and who has the power to decide whether to detain or release detainees.

Chief Immigration Officer's Bail (CIO Bail) See page 16	The name given to the release of a person from detention by a Chief Immigration Officer in the Immigration Service or Home Office.
A Determination	A decision from an Immigration Judge or from the Tribunal.
Deportation Order Or Recommendation for Deportation	The document telling immigration officers to send a person who has committed a serious criminal offence out of the UK or to send someone out of the UK because the Home Secretary states that it is "not conducive to the public good" for him/her to stay in the UK. A deportation order means that you cannot come back to the UK for a number of years. A 'deportation order' is <u>not</u> the same as 'removal directions' (see below).
Grounds of application	In a bail application, the "grounds" are the reasons why you are making the bail application and arguments for your release.
Habeas Corpus	An application to the High Court to challenge your detention on the basis that there is no legal power to detain you.
Hearing (As in bail hearing or full hearing)	When you go to court for an appeal or a bail application, your time in court is called a 'hearing'. Your bail application is 'heard' by an Immigration Judge who decides whether or not to release you.
Hearing Centre	The building where bail hearings and appeal hearings take place, also known as the 'immigration courts'.
Home Office Presenting Officer (HOPO)	A government official at immigration hearings who represents the Immigration Service or Home Office. In bail hearings the HOPO tells the court why you should not be released.
Home Office Reference Number (HO Ref No.)	This is the number that the Home Office uses to identify your case. This number is usually a letter followed by approximately 6 numbers. The letter is usually the first letter of your surname. You can find it on letters from the Home Office such as a refusal letter or letters from the court.
'Immigration courts'	In this Notebook on Bail we use term 'immigration courts' for the Asylum and Immigration Tribunal (AIT) and the hearing centres run by the AIT. This is to simplify the terms for readers whose first language is not English and to make it clear that the AIT is independent of the Home Office.
Immigration Judge	The judges in immigration courts in the UK are called "Immigration Judges".
"Immigration Judge Bail"	The name sometimes given to the release of a person from detention by an Immigration Judge at a bail hearing in the "immigration courts".
Immigration and Nationality Directorate (IND)	This is the part of the Home Office that deals with immigration and asylum. The main IND offices are in Croydon, Liverpool and Leeds. These offices make decisions on people's asylum and immigration applications, as well as policy decision on asylum and immigration. The Immigration Service and NASS (see below) are both part of the IND.
Immigration Service (IS)	The part of the IND that controls the UK's borders. The IS does not make decisions on asylum applications.

Judicial Review (JR)	An application to the High Court for a review of a decision by the authorities.
Legal Representative	The person or organisation representing you in your immigration/asylum case.
Management of Detained Cases Unit (MODCU)	This is part of the Immigration Service that is responsible for reviewing the files of most people who have been detained for more than eight days.
National Asylum Support Service (NASS)	The part of the IND (and Home Office) that is responsible for arranging accommodation for asylum seekers.
Office of the Immigration Service Commissioner (OISC)	An organisation that tries to make sure that immigration advisors give good quality advice.
Operational Enforcement Manual (OEM)	Guidelines for Immigration Officers, published by the Home Office. The current guidelines are called Chapters 38 and 39.
Port Reference	This is the reference number the Immigration Service uses to identify your case. It is usually 2 or 3 letters followed by numbers. It will be on letters and forms that you receive from the Immigration Service.
To Produce (As in "You will be produced at your hearing")	To bring a detainee from the detention centre to the immigration court for their hearing. This is arranged by part of the Home Office.
Recognisance (In Scotland this is called a 'Caution')	The money offered in bail applications by sureties or the applicant. The court may take this money if the person released on bail 'absconds' even if the person on bail did not want to lose touch with the authorities.
Removal Directions (RDs)	<p>Arrangements made by the Immigration Service, usually at the end of someone's immigration/asylum case, for the person to be sent out of the UK.</p> <p>Removal directions can be given when someone is first refused. In most cases Removal Directions are withdrawn if the person appeals against them, but in some cases you must make an appeal from their country of origin. Speak to your legal representative if you are unsure if this applies to you.</p> <p>In law, Removal Directions are <u>not</u> the same as 'Deportation' (see above).</p>
Reporting Conditions	The requirement to report to the Immigration Service or police at regular intervals such as once or twice every week or once every month.
Surety (in England) or Cautioner (in Scotland) See page 27 for details	Someone who promises money in a bail application to show that he/she will make sure that you (the detainee) stay in contact with the court and the Immigration Service if released on bail.
Temporary Admission (TA)	If you are allowed to live in the UK while the Immigration Service decides whether or not to give you 'status' (such as refugee status or Exceptional Leave to Enter), this is called 'Temporary Admission'. Any conditions of 'Temporary Admission' end if you are given status in the UK.

Applications for Release from Detention

This Notebook on Bail focuses on applications for bail in the immigration courts.

There are different ways of asking to be released from detention:

1. An Application for **bail in the immigration courts**. See page 12, below.
2. An Application for bail to the **Chief Immigration Officer**. See page 16.
3. An Application (to the Immigration Service) for **Temporary Admission**. See page 17.
4. An Application to the **High Court**. See page 18.

If your legal representative tells you that he/she is making an application for your release, always ask what kind of application it is.

1. An application for bail in the immigration courts Also known as “Immigration Judge Bail”.

1.1 Who can apply for bail in the immigration courts?

After 7 days in the UK immigration detainees can ask for bail in the immigration courts.

This Notebook on Bail focuses on this type of application for release, but you need similar evidence for most applications for release.

1.2 How do you apply for bail?

You need:

- Somewhere to live if released, but in some cases, you do not need to give an address on your bail application form, see page 25.
- Information about any possible sureties, see page 27.
- Evidence in support of your application for bail, where possible, see page 33.
- To give any information you collect to your legal representative.
- To offer the court some money of your own. This is called your “**recognizance**”. This can be as little as one pound, if you do not have savings.

Your representative fills in a **bail application form** (he/she will get this from the AIT Support Centre) and sends it to the Asylum and Immigration Tribunal (AIT).

Check that your legal representative puts the names and details of any sureties and details about your accommodation on your bail application form. Check that your representative has asked for an interpreter for you or your sureties, if necessary. The court will provide an interpreter for free.

You can ask for the bail hearing on a particular date and, if the court has space, it will usually arrange the hearing for the day you ask. This is useful if you have a surety who needs to take time off work or who may only be able to come to court on certain days.

If your immigration appeal hearing is in an immigration court very soon (e.g. in the next two weeks), ask your representative if he/she can arrange **a bail application on the same day as your appeal hearing** (if not before).

When the court has arranged a date for the bail hearing, you and your representative will receive a letter called a 'Notice of hearing', which gives the date, time and place of your bail application.

Bail summary

Before you go to court the Immigration Service must write down all their reasons and arguments for your detention. This is called a 'bail summary'.

The Immigration Service must send the bail summary to your representative by 2pm the day **before** your bail hearing. The only exception is if the Immigration Service received the 'Notice of Hearing' late.

- Call your representative to find out what the Immigration Service is saying about you in the bail summary.
- Ask your representative to fax the bail summary to you.
- Read through the bail summary very carefully.
- Tell your representative if there are any points that are incorrect or that you disagree with.

If there is no bail summary, your bail hearing can still go ahead. Paragraph 2.7.2 of the Chief Adjudicators Guidance Notes on Bail say that,
"If no bail summary is available, then you should proceed without it. This implies that bail would have to be granted."

1.3 Who makes the decision in your bail application in the immigration courts?

A person, called an '**Immigration Judge**', makes the decision whether or not to release you on bail. In a bail hearing, the Immigration Judge decides whether or not he/she believes that you will stay in contact with the Immigration Service, Home Office and courts if you are released.

Immigration Judges also make decisions on asylum or immigration appeals, but if you are in court only for a bail application, and not for your asylum/immigration appeal, the Immigration Judge will only decide whether or not you will be released.

Immigration Judges do not work for the Immigration Service or Home Office. They are independent of the authority that is detaining you.

1.4 Who will be in court when the decision is made?

- **You** will usually be brought to bail applications.

Sometimes legal representatives ask for the bail application at an immigration court far away from your detention centre, for example because your sureties live in one part of the UK and cannot travel to the court nearest to your detention centre. This might mean that you are not brought to court for your bail application. This is rare. Your case will usually be stronger if you are there.

- In most cases, **someone will represent you in court.**
 - Before the hearing ask what arguments he/she will use to argue your case.
 - Ask to see the “bail summary” (see box above) and make sure he/she knows what you agree and disagree with. If there is a mistake, tell him/her.
 - You have the right to represent yourself, see page 35.
- An **Immigration Judge**. This is the person who decides whether or not to release you.
- A **Home Officer Presenting Officer (HOPO)** represents the Immigration Service and Home Office.
 - He/She will argue that you should stay in detention.
 - He/She will make arguments using the ‘Bail Summary’ (see above).
 - He/She will try to show that you are somebody who might ‘abscond’ if released.
 - Sometimes things that you say in court will be used against you by the HOPO to show why you might ‘abscond’.
- The AIT will provide an **interpreter** if you or your representative asks for one.
- **Sureties** (if you have any), see page 27, or the person who is offering **accommodation** (unless it is an organisation that is offering you accommodation).

A Surety: Someone who promises money in a bail application to show that he/she will try to make sure that you stay in contact with the authorities if released on bail.

1.5 What will happen if I am released?

You will normally be given some conditions:

- You need to live at a particular **address** (and sleep there every night). If you want to change address after release, you should ask the court or Immigration Service’s permission.
- You may have to **report regularly** to the local police station or Immigration Service office. Some people, for example, must report once or twice a week, others once a month (it will depend on your case).
- You will have to return to court in the future for a ‘**bail renewal**’ hearing or you may have to **report to an Immigration Service Office**. This is to check that you are still in touch with the authorities.

Speak to your representative if you are unsure of the conditions or if you want to change address.

If you obey the bail conditions, bail will normally be renewed until the end of your case. If you are granted permanent status in the UK, you will be released from bail and will no longer have to comply with the bail conditions.

If you do not obey the bail conditions, you may be detained again and your sureties may lose the money that they offered the court.

1.6 What happens if I am refused bail?

If you are refused bail the Immigration Judge will tell you the reasons for the decision at the end of the hearing and you will be taken back into detention.

1.7 Do I have the right to apply for bail again in the immigration courts?

Yes.

Keep making applications even if you were refused the first time. The court has released people on bail who have had 5 or more bail applications refused by an Immigration Judge.

At a second bail application in the immigration courts, the Immigration Judge should look at the whole application “as if it were the first application” (According to the Guidance Notes for Adjudicators on Bail, paragraph 3.2). He/She will also look at the first Immigration Judge’s reasons for refusing your application.

If the second application for bail fails, you have the right to make more bail applications if there is a “**change in circumstances**” (see box above for some examples.). In these bail applications (the 3rd, 4th, 5th etc), the

Immigration Judge only considers whether the “change in circumstances” means that you should be released.

Examples of a “**change in circumstances**”:

- An appeal has been lodged.
- You have new medical evidence.
- Your country refuses to give you a travel document so the Immigration Service cannot remove you.
- You become very seriously ill.
- You have a new surety or accommodation address.
- The AIT, Home Office or Immigration Service causes delays in your immigration case.
- The birth of your child.
- More time (weeks or months) in detention has passed.

If the authorities cause delays in your case, this will make an application for bail stronger. But if you cause delays in your case (for example, if you refuse to sign papers without good reason) then the Immigration Service may use this to argue that you are uncooperative and will not stay in contact with the authorities if released. Speak to your legal representative if you are ever unsure what to do.

If you are refused bail and go back for another bail hearing, you may or may not have the same Immigration Judge again. You may have the same Immigration Judge in a bail hearing as in your immigration or asylum appeal or it may be a different Immigration Judge. You cannot ask for a particular Immigration Judge.

If you are happy with the person who represented you in court, even if you were not released, tell your legal representative that, if possible, you would like the same person again next time. You can also tell him/her if you were unhappy with the preparation for your bail application.

2) An Application for bail to the Chief Immigration Officer Also known as 'CIO Bail' and 'Secretary of State Bail'

2.1 Who can apply for Chief Immigration Officer bail?

Anyone detained by the Immigration Service can apply for CIO bail.

2.2 How do I apply?

You need to find:

- An accommodation address or an offer of accommodation, for example through NASS or, in the case of people under 18, through Social Services.
- One or two sureties.

Your legal representative completes an application form, which is different from the one for the court, or writes a letter to apply for CIO bail. The application is sent to the Immigration Service.

2.3 Who makes the decision?

The decision maker is a Chief Immigration Officer (CIO) or senior caseworker in the Immigration Service.

He/She will look at your immigration file and decide whether or not the sureties are offering enough money for you to be released (so that it makes it less likely that you will 'abscond'). The CIO will also decide whether he/she is happy with the address at which you will live if released.

2.4 Who will be there when the decision is made?

Only the Chief Immigration Officer who makes the decision. There is no hearing in court. Everything is decided by reading the Immigration Service file.

2.5 What happens if I am released?

You must live at the address you gave the Immigration Service (and sleep there every night) and tell the Immigration Service if you change address.

You usually have to report regularly to an Immigration Service reporting centre or to the police.

Always ask your representative if you are unsure of the conditions.

2.6 What happens if I am refused CIO bail?

The CIO should give you or your representative written reasons for refusing your application.

2.7 Do I have the right to have another application for CIO bail?

Yes. You have the right to make more than one CIO bail application.

It is usually advisable to make the next application for bail to the immigration courts (see above) instead of making another CIO bail application. A CIO may have asked for a lot of money from your sureties but the immigration courts often require lower, or no, sureties.

Speak to your legal representative to see what is the best thing to do in your case.

3) An Application (to the Immigration Service) for Temporary Admission

3.1 Who can apply for Temporary Admission?

Anyone detained by the Immigration Service.
You can apply as soon as you are detained.

Temporary Admission (TA)

If you are allowed to live in the UK while the Immigration Service decides whether or not to give you 'status' (such as refugee status or discretionary leave), this is called 'Temporary Admission'.

3.2 How do I apply?

Your legal representative telephones and writes to the Immigration Service to argue that you should not have been detained in the first place, for example because it was against Home Office Guidelines, or that you should be released from detention because of a change in your case, your health or because you have been in detention a long time.

You need to give an address at which you will live if released.

No sureties

The main difference between applications for Temporary Admission and CIO bail, is that you do not need sureties to make an application for Temporary Admission.

Your representative should usually make an application for Temporary Admission as soon as possible after you have been detained and when anything changes on your case (if the first application was unsuccessful).

3.3 Who makes the decision?

A Chief Immigration Officer or senior caseworkers in the Immigration Service.

3.4 Who will be there when the decision is made?

Only the (Chief) Immigration Officer. He/She decides whether or not to release you by reading your representatives arguments for your release and your immigration file.

3.5 What happens if I am released?

You must live at the address you give the Immigration Service and tell the Immigration Service if you are going to change address.

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If you do not have a complete copy of this Notebook, call BID (020 7247 3590) and we will send you one.

You may need to report to the Immigration Service on a particular date in a few months time or you may need to report regularly (weekly or monthly) to the Immigration Service or police.

If the Home Office grants you refugee status or other status in the UK (such as discretionary leave / humanitarian protection), you will no longer have to comply with the conditions of 'Temporary Admission'. If you are unsure, speak to your legal representative.

The Immigration Service may decide to detain you again if you do not comply with the conditions of Temporary Admission or if you are given Removal Directions.

Speak to your legal representative if you are unsure of the conditions.

3.6 What happens if I am refused Temporary Admission?

You or your legal representative will usually be given written reasons explaining why the Immigration Service has refused your application for Temporary Admission.

3.7 Do I have the right to another application?

You have the right to make further applications for TA (and you can make as many applications as you want), but unless there are changes in your case the Immigration Service may see no reason to change their decision.

If the Immigration Service refuses your application for Temporary Admission, ask your legal representative whether it is possible to try a different type of application for your release. You may find that an Immigration Judge in the immigration courts agrees with your legal representative's arguments and releases you on bail (sometimes without sureties).

4) An Application to the High Court

Applications to the High Court for immigration detainees to be released are **much less** common than the other three types of application, but ask your legal representative about the possibility of an application to the High Court if:

- All other types of application for your release are unsuccessful

And

- You have been detained for a long time.

At the High Court you can apply for '**Judicial Review**' (for a judge to review the decision of an authority) and/or '**Habeas Corpus**' (for a judge to consider whether there is any legal power to detain you). Your legal representative can also ask the High Court to consider a bail application for you when applying for judicial review of a decision made in your asylum or immigration case.

Questions People often ask BID

If you have questions about the different types of application, ask your legal representative for advice as soon as possible.

- **Do I have to pay for legal advice?**

If you have little or no money, you can usually get some free legal advice on your asylum or immigration case. You can also get free representation at appeal and bail hearings if your legal representative thinks your case is strong enough to use public funds.

If you ask for advice from a solicitor funded by the **Legal Services Commission**, he/she must tell you about free legal advice and test your income to see if you qualify for free legal advice. If you do not qualify for free legal advice, he/she should tell you approximately how much the advice and representation will cost *before* doing the work.

How can I find a legal representative?

The Office of the Immigration Services Commissioner (OISC) regulates immigration advisors, see page 41 for more details. The OISC wrote a leaflet called '**Legal Advice for People who are detained by the Immigration Service**' which gives advice on finding a legal representative and what to expect from your representative. The **OISC** can provide people with contact details of immigration advisors, see page 41.

The **Community Legal Service Helpline** gives details of legal representatives who are registered with the Legal Services Commission in your area. (Tel: **0845 6081122**)

The Law Society can provide the contact details of immigration solicitors. The Law Society's contact details are at page 41.

In some cases the **visitors group** for your detention centre (see page 39) can give contact names of legal representatives. Visitors groups *do not* give legal advice.

If you are an asylum seeker looking for a representative, the **Refugee Council** may be able to help you. The Refugee Council's contact details are at page 41.

BID cannot take on immigration/asylum cases and cannot find you a representative.

- **What is a surety or a cautioner?**

A person who goes to court to promise that he/she will make sure that you stay in touch with the Immigration Service if released. In England the court calls this person a '**surety**' and in Scotland the court calls him/her a '**cautioner**'. See page 27 for details.

- **Does everyone need sureties for a bail application?**

No. Bail can be granted without sureties. If there are weak reasons for detention or no reasons at all, Immigration Judges may release people without sureties. See page 31.

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If you do not have a complete copy of this Notebook, call BID (020 7247 3590) and we will send you one.

- **How much money do sureties have to offer?**

There is no set amount of money required. Some sureties offer less than £100. Others offer more than £1,000. For more details on sureties, see page 27.

- **Do sureties have to be British?**

No. See page 27 for more details.

- **Can I get bail without an address to go to?**

In some cases you can get bail without an address, see page 25 and 26.

- **If an Immigration Judge has refused me bail, can I make another bail application?**

Yes. See page 15 for details.

- **How should I behave in court?**

Behave with respect for everyone in the courtroom. Always tell the truth and do not get angry with anybody. Make your case calmly and clearly.

If you do not understand something in court, tell your representative, the interpreter (if you have one) or the Immigration Judge immediately.

If you cannot understand the interpreter in court, tell him/her and the court that there is a problem. If you do not tell someone immediately, the record of what you say in court will be wrong and this could be used against you later. Do *not* wait until the hearing is finished.

If you need an interpreter in court, you or your representative must tell the court *before* your bail hearing. You need to say where you come from and the language you need.

- **I have not committed a crime. Why am I detained?**

The Immigration Service is allowed to detain asylum seekers and migrants in some cases even though they have not committed a crime. The main reasons the Immigration Service gives for detaining people are that they believe you will lose contact with the authorities if released, that they need to check your identity or you have removal directions.

- **When is the best time to have a bail application?**

Bail applications are **generally** stronger the earlier that you make them in your case. This is because you can argue that wanting to know the outcome of your case will give you a reason to stay in contact with the authorities. You can also argue that you will be detained for a long time if kept in detention until you have no more appeal rights.

- **I have no money. How can I contact possible sureties, the court or people to offer me accommodation?**

Rule 31(4) of the Detention Centres Rules says that if a detainee has no money, the authorities “may bear the expense of any telephone calls” and in Rule 27(2) that the

authorities “may bear the expense of any reasonable number of letters”. This means that the authorities may pay for these important calls and letters.

Rule 27(6) of the Detention Centre Rules says that the authorities should pay for *all* letters to an Immigration Judge (which would include bail applications), the Immigration Appeal Tribunal, the European Court of Human Rights and the SIAC.

Asking a Representative to make a Bail Application

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/her job to consider making applications for your release.

Detainees often say they find it difficult to contact their legal representative to ask about bail and many people have told BID that they do not have any documents from their immigration case (for example interviews, statements, letters). It is important that you understand what is happening on your case.

There is a letter on page 37 to help you ask for information from your legal representative. This letter asks your legal representative:

- If he/she is already making an application for your release.
- If he/she can make a make a bail application for you, if not already doing so.
- To give you reasons in writing if he/she cannot make an application for your release.
- To send you copies of your immigration documents (interviews, statements, letters) that you do not already have so that you understand what is happening on your case.

Action

If you are unsure if your legal representative is making an application for your release:

- 1) Read the letter on page 37.
- 2) Fill in the gaps on the letter on page 37 or write your own version.
- 3) Photocopy the letter, if possible, and post or fax it to your legal representative. Keep a copy for yourself.

If you do not have a legal representative keep looking for someone to give you good immigration advice, see page 6.

Your Representative's Reply

There are a number of common 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.

There are different ways of getting someone out of detention, see page 12. Your representative may think that it is best to try another type of application before making a bail application in the immigration courts.

If the application that your legal representatives is making fails or takes a long time, most people have the right to try again or to try a different type of application.

He/She is waiting for a change in your case

Your legal representative may not want to make a bail application until he/she lodges an appeal or has new evidence to make your case stronger.

At bail hearings the Home Office often argues that they will be able to send the detainee out of the UK very soon. Your case will be stronger if you can show that this is not true because, for example:

- You are waiting for the first decision from the Home Office on your case and would have an appeal in the UK if refused.
- You have lodged an appeal and are waiting for an appeal hearing.
- Your country of origin refused to give you a travel document; even though you gave the Immigration Service the information they needed about you.

If you do not understand what your legal representative is waiting for or you feel that you have been waiting for a long time, speak to your legal representative.

He/She says you need sureties or accommodation.

Work through the section on sureties (page 27) and/or accommodation (page 25). Read through the section about questions detainees often ask BID (page 19).

Discuss your case with your representative and give him/her any new information that you find about sureties or accommodation.

You have 'Removal Directions' or you have no more appeals.

Your representative will **not** usually be able to make a bail application if the Immigration Service has given you a date very soon on which they want to send you out of the UK ('Removal Directions'). BID cannot help in this case either.

If you are not waiting for any more appeals or decisions from the court or Home Office, a bail application will be very difficult unless there are problems getting you a travel document or unless the Home Office is not sending people to your country of origin.

If you believe that it would still not be safe for you to go where the Immigration Service says they will send you or there is some other reason why you should not be sent out of the UK, ask your legal representative for advice.

He/She thinks that your bail application has little chance of success or says that he/she cannot use public funding.

Your representative may feel unable to make a bail application **in the immigration court** because he/she does not think that you have enough chance of success to justify using public funding.

Public funding for **representation at a bail hearing** is called “Controlled Legal Representation” or “CLR”; your legal representative may use these terms when talking about funding for your hearings.

Most immigration detainees have the right to a bail hearing in the immigration courts, see page 12, and in most cases legal representatives can justify using public funding for at least one bail hearing if you do not have removal directions.

If your representative will not collect information and documents to support your case, you will unfortunately have to do the work. This may be difficult from detention, but it is important because it can help your case.

You may be able to make your case stronger by collecting evidence and information about sureties and accommodation. Give any new documents or information to your legal representative. Your legal representative should review whether or not he/she could use public funding in the light of the new information.

You can also think about representing yourself, see page 35.

Action

If your legal representative says he/she is making an application for your release:

- 1) Make sure you understand what kind of application he/she is making and if it is a bail application in court, ask if he/she has a date for your bail hearing.
- 2) Check if he/she needs any further information from you.
- 3) Give or send him/her information that you have collected to support your case.

If your legal representative is not making a bail application:

- 1) Think carefully about the reasons he/she gives for not making a bail application.
- 2) If he/she gave no reasons, ask him/her for the reasons by fax or letter.
- 3) If there are things you do not understand, speak to your legal representative

Finding a Place to live

It can be difficult to find an address, but if you want to make a bail application try as hard as you can to find somewhere to live if released.

In some cases you can make a bail application with no address, for example if you applied to NASS, see below, and NASS says that they can house you, but have not given you an address yet. If you make a bail application without an address, your representative must say on the bail application form why the address is not available.

If you are under 18, you may be able to get accommodation through 'Social Services' (local government) if you are released. Speak to your representative about this.

Accommodation with a friend or relative

The person offering you accommodation needs to be **legally in the UK**. He/She does *not* need to be British. 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 providing accommodation cannot come to court, the Immigration Judge will sometimes accept a letter explaining why he/she cannot come to court and confirming the offer of accommodation.

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).
- **Evidence that you can stay at the address given:**

If he/she rents the accommodation: his/her tenancy agreement/rent book and a letter from the landlord if it is unclear from the tenancy agreement that he/she has permission for people to stay there.

If he/she owns the accommodation: his/her mortgage documents or other evidence that he/she owns the house/flat.

Action

1) Contact people you know to ask if they can offer you accommodation or help you find accommodation. Tell them what they need to do for the court.

2) If someone offers you accommodation, send him/her the form on page 38 and give your legal representative any information you already have.

3) Send your legal representative the completed form on page 40. This form will not be given to the court, but asks for information that will be used in court.

Accommodation provided by National Asylum Support Service (NASS)

NASS is a department in the Home Office that arranges accommodation and support for some asylum seekers.

NASS policy keeps changing and may change again in the near future. Contact your legal representative or advice agencies, such as the Refugee Council (see page 40), for information about current NASS policy in order to see how to apply and if you are eligible for NASS support.

Action

- 1) Ask your legal representative whether you have a right to NASS accommodation.
- 2) Ask your representative to help you apply for NASS or to an 'emergency accommodation provider' such as Migrant Helpline.

Split families - If you are detained, but your partner is living outside detention in accommodation provided by NASS, ask your representative to make an application to NASS Post Allocation Casework Unit, Team 7 (fax 020 8633 0213) for you to live together if you are released on bail.

If your asylum application is finished and if you cannot be removed from the UK, the **NASS Hard Cases Unit** can, in some cases, arrange accommodation. Ask your legal representative if this kind of application might be right for you.

Advice and referral Agencies

Some community organisations, cultural groups or religious institutions can either help you find accommodation or will offer accommodation.

Organisations that give advice on finding accommodation, amongst other things, are listed at page 40 under "Advice and Referral Agencies".

If an organisation offers you accommodation, you need a letter from the organisation saying what the organisation is and where you will live if released. You need this letter for court.

Your application may be stronger if someone from the organisation can come to court, but this is *not* essential.

Finding Sureties/Cautioners

What is a surety?

A surety is someone who promises the court that he/she will try to make sure you keep in contact with the authorities if you are released from detention.

A surety offers money to the court that he/she may lose if you lose contact with the authorities.

The money offered shows the court that the surety believes you will stay in contact with the authorities and it gives the surety a reason to try to make you stay in contact. You would also have more reason to stay in contact with the authorities because you would not want the surety to lose his/her money.

In Scottish courts this person is called a **CAUTIONER**.

In this Notebook we use the word 'surety' because there are more immigration detainees in England than in Scotland.

Does everyone need a surety?

No. Before going to court it is hard to know whether or not you will need sureties or how much money a surety will need to offer because this depends on the stage of your case, your immigration history and the Immigration Judge making the decision.

Sureties are not essential in all bail applications, but your bail application will be stronger with a surety so it is best to look for sureties.

If the Immigration Judge does not believe that you will stay in contact with the authorities if released, he/she may decide that you need one or two sureties.

How much money must a surety offer?

There is no fixed amount of money required.

Some sureties offer less than £100; others offer more than £1,000. The surety must decide how much money he/she could risk losing if you abscond.

The Immigration Judge considers your case and then decides whether or not to accept the surety. Immigration Judges sometimes accept less money if you live with your surety or if he/she is a close relative because this shows that there is a close tie between you.

Sometimes the Immigration Judge will ask for more money than the surety has offered. Your representative in court or the surety can argue why the amount offered should be enough. The surety can explain how he/she will keep in touch with you if released and why offering more money will not change this. If the surety cannot offer more money, he/she should explain why this is the case.

The money offered must belong to the surety. The surety should, where possible, bring to court three months bank statements and evidence of income, such as payslips or evidence of benefits, to show that he/she has the money offered, see below.

Who can be a surety?

Anyone legally in the UK can be a surety, for example, asylum-seekers (who are in contact with the Immigration Service), European Union nationals, students on visas, British nationals and people with exceptional or indefinite leave to remain.

It is better if your surety has no criminal convictions. Convictions to do with dishonesty or immigration offences make it very difficult for someone to be a surety.

What does a surety need to do for a bail hearing in the immigration courts?

The surety needs to:

- a) **Come to court** on the day of your bail hearing. Immigration Judges rarely accept sureties who cannot come to the bail application.

If your surety cannot come to court, the Immigration Judge may accept a letter confirming that he/she is willing to be your surety, explaining why he/she cannot be at court and attaching the necessary documents. Speak to your legal representative immediately if your surety cannot come to court.

If your surety says that he/she will come to the bail hearing, but then does not come, this may weaken your application for bail.

- b) Give the court his/her full name, address, date of birth, occupation and nationality, and bring an **identity document** to court.
- c) **Promise to pay an agreed sum of money if you 'abscond'**. In England Immigration Judges do **not** have the power to ask for the surety to deposit the money with your legal representative. In Scotland any sureties will need to deposit the money before you are released.
- d) **Show the court evidence of his/her income.** For example he/she must bring to court:
 - His/Her bank statements for the last three months (if any).

- If working, three months payslips or, if self-employed, his/her accounts.
- If not working his/her benefit book, evidence of income support or pension.

What does a surety do if you are released on bail?

If you are released, your surety needs to:

- a) **Stay in contact with you** to check that you report to the Immigration Service or police as required and that you attend court hearings and interviews.
- b) Tell the authorities if he/she thinks you might lose contact with the authorities.
- c) Attend any **bail renewal hearings**, or provide a letter for the court asking to be excused from attending. He/She should speak to your legal representative for information about this.

What happens to the surety's money if you lose contact with authorities?

If you lose contact with the authorities, your surety may lose some or all of the money he/she offered the court.

In some cases the surety is invited to a '**forfeiture hearing**'. At this hearing, an Immigration Judge decides whether the surety loses some or all of the money offered. To help decide how much money the surety will lose, the Immigration Judge may ask the surety questions about how he/she tried to make you stay in contact with the authorities.

What information do I need about my surety?

On page 38 there is a form to help you collect basic information about people you know who could be a surety for you.

This form will not be sent to court. It is to help you collect useful information to give to your representative.

Action

- 1) Speak to any possible sureties as soon as possible.
- 2) Show or send him/her a copy of this chapter on sureties so that he/she understands exactly what he/she must do.
- 3) Send/give the possible surety a copy of the form on page 38.
- 4) Tell your legal representative about the surety as soon as possible.
- 5) When completed send/fax a copy of the form on page 38 to your legal representative.

Bail can be granted without Sureties

If you do not know anyone who can be a surety for you, it may still be possible to be released on bail by an Immigration Judge.

Since 1998, BID has made over 1000 applications for release and, in BID's experience, **Immigration Judges do not always require sureties to release detainees.** Other representatives also make bail applications without sureties.

The immigration court's May 2003 Guidance Notes on Bail for Adjudicators say,

"It should be borne in mind that asylum seekers rarely have friends or relatives in the United Kingdom who can act as sureties. They may have no alternative but to rely on assistance from voluntary organisations to support their applications."

If the Immigration Judge accepts that there are weak reasons for detention, he/she may grant bail without sureties. Whether or not you need a surety will depend on your immigration history, the stage of your case and the arguments made for your release.

How long you have been in detention is also an important factor because the Immigration Service cannot detain you indefinitely even if you have no sureties.

If you have no sureties your representative in court must make good arguments for your release (because he/she cannot rely on sureties offering a lot of money). Go through the Immigration Service bail summary with your representative very carefully.

Reporting Conditions

Where you cannot find sureties, make it clear to the Immigration Judge that you are prepared to report to the local police station or Immigration Service as often as required.

The May 2003 Guidance Notes on Bail for Immigration Judges say,

"Where there is clearly no prospect of an applicant being able to obtain sureties, but in principle there is a case for granting bail, then **you should consider if more stringent conditions might meet the particular needs or concerns of the case.**"

If you have an Immigration Judge who says that they do not release without sureties, you and your representative can withdraw your bail application and make a new application on another day with, hopefully, a different Immigration Judge.

Action

- 1) If you have no sureties ask your legal representative to try making bail applications for you without sureties. Explain that you know this is possible in some cases.
- 2) If he/she will not go to court without sureties, ask for the reasons in writing so that you understand his/her decision.

Arguments to support a Bail Application

In a bail hearing you need to show that you will stay in contact with the authorities if released, but there are a number of factors that may support an application for release.

Do any of the follow apply to your case?

- q You have been in detention for a long time (particularly where there are delays caused by the Immigration Service or the authorities.)
- q You have somewhere to live if released.
- q You have an ongoing immigration or asylum case.
- q There are delays in your immigration case, for example you have been waiting for an interview or for an appeal hearing for a long time.
- q You are cooperating with the Immigration Service, but there are long delays with them arranging travel documents for you.
- q You were in contact with the Immigration Service before you were detained, for example you were reporting regularly.
- q Your detention is separating you from your partner and/or children, particularly if this is having a negative effect on your family.
- q You have one or two possible sureties.
- q People outside of detention can support your bail application, for example someone from your religious community can come to court or write a letter about your involvement in their community.
- q You have medical reports showing that you have serious medical problems.
- q You have evidence of links to the UK such as your studies or work.
- q The Immigration Service is not returning people to your country of origin.
- q Your country of origin will not accept you back or you are stateless.

If any of the above applies in your case, try to find evidence of them where possible, for example letters from the Immigration Service, medical notes or people who can come to court to support your application for release.

For more information about arguments for release and finding evidence, see Part Two of the Notebook on Bail.

You can request a copy of the Notebook on Bail Part Two directly from BID, contact details on page 40, or there are copies in the libraries of many places of detention.

Notebook on Bail. Part One. October 2005.

If you do not have a complete copy of this Notebook, call BID (020 7247 3590) and we will send you one.

Some factors can make bail difficult, for example:

§ If you have a date for “removal” in the next 10 days.

Immigration Judges rarely release people with ‘removal directions’ in near future and bail will not stop ‘removal directions’, see page 6 for more details. If you apply for bail *at the end of* your case, the Immigration Service may arrange ‘removal directions’ for you if they have travel documents for you.

If the Immigration Service keeps cancelling ‘removal directions’, for example because they have no travel documents for you, it may still be possible to make a successful bail application.

§ If you are resisting ‘removal’, for example if you refused to get on a plane, *and this is the only reason why the Immigration Service cannot send you to another country.*

Bail will not stop you from being given removal directions.

However, in some cases an Immigration Judge *may* accept the reason why you refused to travel, for example if you or your husband/wife had an ongoing case in the UK when the Immigration Service tried to send you to another country.

§ If you are refusing to cooperate with the Immigration Service’s attempts to arrange travel documents for you, for example by refusing to meet the High Commission of your country.

If you refused to cooperate in the past, but you are now cooperating with the Immigration Service it *may* be possible to get bail in some cases. In a bail application the Immigration Judge will consider what happened in the past, as well as any current delays.

If you are in any of the above positions, ask a legal representative for advice immigration/asylum case if possible.

BID cannot give advice on your immigration or asylum case and BID cannot challenge ‘Removal directions’. BID can only give advice on bail.

Getting into Court

When you have worked through this Notebook on Bail Part One:

- **Speak to your legal representative**, if you have one. Give him/her any new information or documents that you have and ask if he/she will make a bail application for you with this new information.

Your legal representative may not know about the Notebook on Bail. He/She can find a copy of this Notebook on Bail on our website (www.biduk.org).

- **If your legal representative will not make an application for your release**, think carefully about the reasons he/she gives because there may be a good reason why he/she cannot make a bail application now, see page 22.
- **If you do not have a legal representative, keep looking for one.** See page 6 for more details. It can be difficult to find a legal representative, but keep trying.
- **Consider representing yourself.** You have the right to represent yourself in bail applications.

BID wrote Part Two of the Notebook on Bail for people who want to make their own bail application because they cannot find a legal representative to make an application for their release.

Part Two of the Notebook on Bail is called “Representing yourself in Bail Applications”.

Part Two of the Notebook on Bail gives detailed advice about:

- Completing the bail application form.
- Preparing your arguments for release.
- What happens in a bail hearing.
- Collecting evidence to support your case.

If you would like a copy of Part Two of the Notebook on Bail, contact BID and we will send one for free. Our contact details are on page 40.

- In a few cases **BID** can prepare bail applications for people detained by the Immigration Service, but we are too small to make bail applications for everyone who needs help with bail. Our contact details are on page 40.

Letters and Forms

On the next few pages, there are some letters and forms to use to collect information in support of your case.

Page number of the letter/form	Contents	Read the pages below for information on the letters/forms.
37	Letter to your legal representative	22
38	Surety/Accommodation Provider Information Sheet	27

How to use the letters

- 1) You can photocopy the letters, copy them by hand, or type them, whichever you prefer.
- 2) Write your detention centre's address, Your legal representative's reference will be on his/her letters to you.
- 4) Sign the letter and write your name, clearly, underneath.
- 5) Make a copy of the letter for yourself.
- 6) Fax or post the letter.

Do not sign or send a letter if you are unsure whether to use it.

Call BID (020 7247 3590) if you have any questions.

LETTER TO YOUR LEGAL REPRESENTATIVE

This standard letter is provided by BID for the use of persons detained by the Immigration Service. BID is a registered charity (No 1077187) and a limited company (No 3803669). Exempted by the OISC No 200100147

.....
.....
.....
.....
.....
.....
.....¹²

Representative's Reference:.....³
Date:

Dear⁴

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)

¹ Your representative's name and address.
² Place of detention (including extension, pager number or room number if any).
³ Check any letters from your representative for their reference. This will help them find your file.
⁴ Enter "Sir or Madam" if you do not have the name of your caseworker or solicitor.

SURETY'S / ACCOMMODATION INFORMATION SHEET

The aim of this form is to make it easier for people in detention to collect information for a bail application.
This form will not be sent to court.

I am willing to a) **Be a surety and/ or** b) **Offer accommodation*** (*please delete as appropriate)

For the bail application of(Name of detainee)

My name.....Relationship to detainee.....

Address.....

Telephone number: (Home) (Work).....

(Mobile).....Occupation.....

Date of birth.....Nationality.....

Immigration status:.....* *You need to bring an identity document to court.*

Have you... Visited the detainee in detention? Yes/No Telephoned detainee? Yes/No

Had contact with the detainee's family if in UK? Yes/No

How long have you known the detainee?.....

When and how did you meet?.....

If standing as a **surety**, the amount of money you can offer as security: £.....*

* *To show the Immigration Judge that you have this amount of money, you need to bring to court:*

- *3 months of bank statements (if you have any)*
- *Evidence of your income for 3 months (e.g. payslips; accounts if self employed; benefit book; evidence of pension, NASS support etc.)*

If offering **accommodation**, the address at which the detainee would live (if different from above) is:

.....

I(own/rent) this property*. **You will need to bring evidence of this to the hearing.*

If you rent, who is the landlord (e.g. An individual or Housing Association)?.....

If you rent, do you have permission for someone to stay there? YES / NO

*It would be preferable to have this permission in writing.

Number of bedrooms in the accommodation.....Number of Adults:Children:.....

I will / will not* require an **interpreter** at the bail hearing. Language required.....

You will usually need to come to court for the bail hearing. Please give details of availability (e.g. when you can and cannot come to court; how much notice you need to arrange to come to court)

.....

.....

PLEASE RETURN THIS FORM TO THE DETAINEE WHO GAVE IT TO YOU.

Contact Numbers and Addresses

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, see below, or write to the Association of Visitors Groups (AVID):

Association of Visitors to Immigration Detainees,
PO Box 7,
Oxted, RH8 0YT **Telephone number: 01883 717275**

Detention centre/prison (Contact AVID if your place of detention is not below.)	Visitors Group (These are some of the groups who visit detainees. There may be others, ask AVID or ask in your place of detention.)	Contact telephone number. (The address of your visitors group may be advertised in your place of detention, otherwise write to AVID if you cannot telephone)
Campsfield Detention Centre	Asylum Welcome	Tel: 01865 722082 Fax: 01865 792532
Campsfield 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	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	Winchester Visitors Group	Tel: 01962 852 028
Yarl's Wood	Yarl's Wood Befrienders	Tel: 01234 781 791

Asylum and Immigration Tribunal

Asylum and Immigration Tribunal (AIT) Support Unit

Tel: 0845 6000 877

Fax: 01509 221 444

(This is a central information line for the AIT. You can check the dates of your hearings on this number)

Advice and referral Agencies

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 7377 5123 Monday-Tuesday 2:00pm-4:30pm, Thursday-Friday 10am-12:30pm

Fax: 020 7247 7789

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/Fax: 020 7654 7222

BID Provides advice and assistance with bail applications.

BID London, 28 Commercial St, London E1 6LS

Tel: 020 7247 3590

Fax: 020 7247 3550

BID South (Haslar cases) 247 Fratton Road, Portsmouth, Hants PO1 5PA

Tel: 02392 587 567

Fax: 02392 587 666

BID Oxford (Campsfield cases) Viva Network, 53 Westway, Botley, Oxford, OX2 0JE

Tel: 0845 330 4536

Fax: 0845 330 4537

Community Legal Service Helpline Can help put you in touch with legal representatives in your area.

Tel: 0845 608 1122

Migrant Helpline (Dover), 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 7401 3699

Refugee Action (East Midlands), International Community Centre, 61b Mansfield Road, Nottingham, NG1 3FN

Tel: 0115 941 8552

Fax: 0115 941 9980

Refugee Action (N. West), 34 Princes Road, Liverpool, L8 1TH

Tel: 0151 7026305

Fax: 0151 7096684

Refugee Action (N. West), 24-26 Lever Street, Manchester, M1 1DZ

Tel: 0161 2331200

Fax: 0161 2364285

Refugee Action (South), Virginia House, 40 Looe Street, Plymouth, PL4 0EB

Tel: 01752 519860

Fax: 01752 519861

Refugee Action (S. Central), Unit 13, Standingford House, Cave Street, Oxford, OX4 1BA

Tel: 01865 792524

Fax: 01865 791624

Refugee Action (S. West), Senate House, 36 Stokes Croft, Bristol, BS1 3QD

Tel: 0117 9892100

Fax: 0117 9248576

Refugee Arrivals Project (RAP), First Floor, Queen's Building, Heathrow Airport, Hounslow TW6 1DL
Tel: 020 87595740 Fax: 020 87597058

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

Refugee Council Advice Line: The advice line gives advice to refugees, asylum seekers and advisers on asylum support issues.

Tel: 020 7346 6777 (Mon, Tues, Thurs and Fridays from 9.30am)

Fax: 020 7346 6778

Refugee Council (West Midlands), First Floor, Smithfield House, Digbeth, Birmingham, B5 6BS

Tel: 0121 622 1515 Fax: 0121 622 4061

Refugee Council (Yorkshire & Humberside), Hurley House, 1 Dewsbury Road, Leeds, LS11 5DQ

Tel: 01132 244 9404 Fax: 01132 246 5229

Refugee Council (Eastern Region), First floor, 4-8 Museum Street, Ipswich, IP1 1HT

Tel: 01473 221 560 Fax: 01473 217 334

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: 0207 828 9191 Fax: 0207 630 5349

Scottish Refugee Council (Glasgow) 5 Cadogan Square, 170 Blythswood Court, Glasgow G2 7PH

Tel: 0141 249 9799 Fax: 0141 243 2499

National Asylum Support Service (NASS)

NASS Telephone Enquiry Bureau

Tel: 0845 602 1739

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 7211 1500 Fax: 020 7211 1553

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: 0870 606 6575

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

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If you do not have a complete copy of this Notebook, call BID (020 7247 3590) and we will send you one.

contact the Law Society at the address above and details of immigration solicitors are on their website:
www.solicitors-online.com

The Consumer Complaints Service (CCS)

The Consumer Complaints Service (CCS), Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE

The CCS investigates complaints about solicitors and people supervised by solicitors.

The CCS has a help line that can give practical advice on solving problems and making complaints.

The help line is open from 9 am to 5 pm, Monday to Friday. Tel: 0845 608 6565

If you are paying your solicitor privately and you have a complaint about a solicitor's bill, call the help line for advice immediately as there are time limits for challenging solicitor's bills.

To make a complaint to the Consumer Complaints Service you need a Complaint Form.

Call the help line (Tel: 0845 608 6565) or write to the above address for a Complaint Form.

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 CCS.

If you make a complaint to the CCS or OISC, it is a good idea to send, with your complaint, a copy of the letter you first wrote to the firm.

The Consumer Complaints Services (CCS) and the **Office of the Immigration Services Commissioner** (OISC) investigate complaints; give advice on how to resolve problems with your representative; and give information about how to make complaints.

Complaints against the authorities detaining you

Immigration and Nationality Directorate

Ports Complaints Unit, Status Four, 3 Nobel Drive, Hayes, Harlington, Middx. UB3 1BY

Tel: 020 8745 2350 Fax: 020 8745 2346

This Unit is for complaints relating to an individual Immigration Officer regarding, for example, rudeness, racism or incompetence. It cannot deal with the complaints about the decision to detain you.

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

Complaining to a Member of Parliament

Members of Parliament (MP) 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.

Your comments on this Notebook on Bail

If this Notebook on Bail is unclear or there is something that you do not understand, please tell BID so that BID can make the Notebook better for people in detention.

BID would also like to hear from you if parts of this Notebook on Bail were useful and helped you prepare for a bail application.

Please fax your comments to 020 7247 3550, 0239 258 7567 or 0845 330 4536 or post them to:

BID London, 28 Commercial Street, London, E1 6LS.

Thank you!

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 bail procedures may change.

To check that you have the latest version of the Notebook on Bail, please call BID on 020 7247 3590. If necessary, we will send you the latest version for free.

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Bail for Immigration Detainees.

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