



# "In Whose Best Interests?"

The separation of families by detention and deportation and the BID Annual General Meeting

**BID** Bail for  
Immigration  
Detainees



U: [LinklatersVisitorA](#)  
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# Welcome

## 18:00 Annual General Meeting

Approval of minutes of 2018 AGM, matters arising  
Treasurer's report  
Approval of auditors  
Election of trustees  
Chair's/Director's report  
Any other business

## 18:20 "In Whose Best Interests?"

Nick Beales, Legal Manager, Separated Families' Project  
Mike, formerly detained and facing deportation from the UK  
Nathan Ward, former G4S manager, now Anglican vicar, helped  
expose abuse in Brook House  
Amelia Gentleman, Guardian journalist  
Carmen Kearney, Legal Manager Article 8 & Deportation Project



# Deportation and Family splits

Carmen Kearney, ADAP Legal Manager



# Quotes from Home Office Deportation Decision letters

- *'no threat to child's physical wellbeing'* if you are deported;
- *'there is no evidence of your child's emotional dependency on you';*
- *'the children's emotional needs and care would be provided for them by their mother'*
- You can *'maintain the parental relationship with the children from abroad 'via modern methods of communication such as telephone, email or letter'*



# What is meant by “best interests”?

The Statutory Guidance in applying the S.55 duty: ‘Every Child Matters’.

- *protecting children from maltreatment;*
- *preventing impairment of children’s health or development, including ‘physical, intellectual, emotional, social or behavioural development’;*
- *ensuring that children are growing up in circumstances consistent with the provision of safe and effective care;*
- *enabling children to have optimum life chances and to enter adulthood successfully.*



# Exceptions based on family life with a child – legal test in a nutshell

- The person facing deportation must have a *'subsisting parental relationship'* with the child and;
  - It must be *'unduly harsh'* for the child to relocate with the parent, and
  - It must be *'unduly harsh'* for the child to remain in the UK with the other parent/carer if the person is deported;
- HO Guidance defines *'unduly harsh'* as meaning *'excessively cruel'* .



# How to evidence “best interests” in the face of HO approach

- Expert evidence, e.g. Independent Social Worker report
- Money is a barrier. There is no legal aid for challenging deportation based on family life.
- Legal Aid Exceptional Funding = theoretical ‘safety net’. Many practical barriers for individuals in accessing this.
- Inadequate Home Office consideration of expert evidence submitted



# The way forward

- Holding the HO to account (case work, policy work, litigation)
- Expanding access to Exceptional Funding
- Campaigning for restoration of legal aid
- Ensuring Every Child Matters – Including those of Foreign National
- Offenders





# Help us #EndDetention

Visit our stand to speak to us about how you can...



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volunteer



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your MP



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