

Briefing on Clause 11(6) of the Nationality and Borders Bill
Bail for Immigration Detainees

Amendment to distinguish Accommodation Centres from places of detention by introducing rights to persons supported at these Centres, and to require persons in Accommodation Centres to be informed of their bail conditions and provided with means of identifying themselves

Amendment

Add to Clause 11(6):

After Section 22A of the Nationality, Immigration and Asylum Act 2002 (support for destitute asylum-seeker) (as amended by the Nationality and Borders Bill 2021) insert:

“22B Accommodation Centres, whether for supported asylum seekers or failed asylum seekers shall not allow for limitations upon a supported person’s right:

- (1) To enter or to leave at any time
- (2) To receive visitors of their choice at any time
- (3) To use communications equipment such as telephones, computers or video equipment.

22C Accommodation Centres shall provide supported persons with access to a complaints procedure and procedures for appealing any decisions that may restrict a supported person’s claim to freedoms not limited by their conditions of bail.

22D Persons supported in Accommodation Centres shall be informed of the conditions of their bail in writing, and shall be provided with means of identifying themselves are their place of residence.”

Commentary

Presently persons held in barracks and/or hotel accommodation are sometimes prevented from entering or leaving their place of accommodation at certain times; and some places of accommodation prevent visitors from entering. Although some controls on entry may be required to prevent persons hostile to residents of Accommodation Centres from entering, those held in Accommodation Centres should be allowed to invite their own visitors to enter.

Where controls on or restrictions on freedom of movement of supported persons or their visitors are in place, a process for submissions by way of a complaints procedure needs to be in place.

People working with persons supported in Accommodation Centres also report that some persons in these Accommodation centres are unaware of their conditions of bail and may not have been provided with the conditions of their bail (Bail Form 201) in writing. This places them at risk of arrest and detention for unknowingly breaching the conditions of their bail, or being unable to evidence their identity.

