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# HOW TO GET OUT OF DETENTION

The Self-help Guide  
for Detainees

**BiD** Bail for  
Immigration  
Detainees

DISCLAIMER: This handbook is updated regularly and the information herein is, to the best of our knowledge, correct at the time of writing. However, immigration law changes frequently and it is advisable to check with a solicitor or qualified immigration advisor that the advice given in this book is up to date and relevant.

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NOTE TO READERS: WE HAVE TRIED TO AVOID USING WORDS WHICH ARE DIFFICULT TO UNDERSTAND. AN EXPLANATION OF SPECIFIC TERMS WILL BE FOUND IN THE **GLOSSARY** AT THE BACK OF THE BOOK

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## **Foreword:**

### **A message to all those in detention from an ex-detainee**

*"My name is Dennis. I was detained at an 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 the Immigration Centre 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 the IRC one of my cellmates applied for bail and was refused. 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 handbook on bail and read it. When I read the handbook it still looked too good to be true that I could get bail but I decided to find out more.*

*When I was at the workshop I started to think I could get bail. BID 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 Home Office was saying about me.*

*My friend encouraged me to apply for bail again. I applied for bail a third time. On the hearing date I felt positive. The Judge gave me bail. The Judge released me for the same reason that the previous Judge had used to refuse me. 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."*

## **General advice on how best to represent yourself**

### **1. Make sure you keep all documents that are sent to you by the Home Office, or by your legal representative**

You may be tempted to destroy documents which seem unimportant to you. **DO NOT DESTROY OR THROW AWAY ANY DOCUMENTS.** However unimportant a document may seem, it could be important to your case. Keep any refusals of bail, bail summaries, or letters from the Home Office relating to your case. If you go to see a solicitor or advisor, take your documents with you, so that you can show them to the advisor.

### **2. If you fax the Home Office, make sure that you keep a copy of the letter and the fax receipt which shows that your letter was sent.**

Fax receipts can be kept as evidence that you have written to the Home Office. It is their duty to respond to you if you contact them. If you can prove that they have not replied, it could help you with your case.

### **3. Try to remain polite at all times to Removal Centre staff, Home Office officials and immigration judges.**

You may believe that you are being badly treated. You may also feel a sense of anger and frustration at your situation. However, if you behave in a way which is considered rude or aggressive, this may be used against you as an argument to keep you detained. Don't give officials a reason to make your life more difficult. If you have complaints, put them politely in writing, or use the IMB (Independent Monitoring Board) boxes in detention centres to complain.

### **4. Write to your caseworker to ask for Temporary Admission and find out about the progress of your case.**

This will not only keep you informed, but will also show the court that you are taking steps to progress your case. This could help you to get released. When you write to your caseworker, ask them to release you and if they are unwilling to do so, ask them for their reasons.

## Introduction

### Who wrote this handbook?

Bail for Immigration Detainees (BID) is an independent charity. **We are not part of the Home Office or the Removal Centres.** We believe that everyone has the right to liberty. We help people who are detained to challenge their detention and gain their freedom. We do this by:

- Giving telephone advice on how to apply for bail.
- Running workshops and legal advice sessions in some Removal Centres and prisons to provide guidance to detainees on how to make their own bail applications.
- Making some bail applications on behalf of detainees ourselves. As we are a small organisation, we can only do this for a very small number of detainees.
- Carrying out research and policy work about detention and bail. We don't believe people should be kept in detention but while detention exists we provide evidence to the government, the courts and the Removal Centres to try and improve bail and detention procedures.
- Supporting legal representatives to help their clients in applications for release.

### Why this handbook 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 release on bail yourself. This handbook tells you how to do this.

### How to use this handbook:

- Read the whole of this handbook.
- If BID runs a workshop in your removal centre or prison, come to the next workshop.
- Fill in the B1 Application for Bail form. This form is available in removal centre and prison libraries.

- Write a statement, also known as your 'grounds for bail'.
- Send your bail application to the court.
- Prepare for your hearing.

This handbook is about bail only and not your main immigration or asylum 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 remain in the UK**

## **Chapter 1: What Am I Doing Here?**

**If you are reading this book, there is a good chance that either you, or somebody you know, is in immigration detention. You want to know what to do next. This is what this handbook is for. Because most people in detention do not have a background in the law, we have tried to write this book in a way which everyone can understand. We start with the basics...**

### **What is immigration detention?**

Around the UK there are several detention centres, which are used by the British Government to place people, who they believe do not have a legal right to stay in the UK, or whose legal right to be here is being decided. In addition, some prisons are also used for the same purpose.

### **Why am I in detention?**

The reasons for your detention may vary, but the following groups of people are often detained.

- Foreign nationals who have been stopped at the border entering the UK
- Foreign nationals who have been arrested in the UK, because they do not have a valid visa.
- Foreign nationals who have been in prison for a crime, and have finished the custodial part of their sentence.
- Foreign nationals who have claimed asylum, and are waiting for a decision.
- Foreign nationals who have been refused asylum, and are waiting to be removed.

There may be other reasons why you have been detained. The Home Office must tell you the reasons why you have been detained at the time of your detention. This is on a form called an IS91R. If you have not been given one, ask the Home Office to give it to you.

However, if you are still not sure why you have been detained, there are one or two ways to find out.

- Write to the Home Office and ask them to explain to you the reason for your detention.
- Look at your Monthly Progress Report (MPR), a document which should be sent to you by the Home Office every month you are in detention. This should state why you have been detained.
- Look at your Bail Summary. This is a document which you will receive the day before a bail hearing. There are more details about this in Chapter 9.

### **What is the point of detention?**

This is a good question. The UK Government believes that it is necessary to lock people up in order to make sure they do not disappear before they are removed from the UK. BID does not believe that detention is necessary. We believe that there are alternatives to detention which could still ensure that people stay in touch with the authorities, (without subjecting them to the indignity and deprivation of liberty which are the inevitable result of immigration detention.)

### **Okay, so how long do I have to stay here?**

Unfortunately there is no time limit on immigration detention. While most people are in detention for a few days or weeks, some people stay in detention for much longer, even for years.

### **Wait. I could be here for years?**

These are extreme cases. Usually, prolonged detention happens when it is impossible to return someone to their country of origin, and where complex issues, such as risk to the public, are involved.

### **I see. So how do I get out of detention?**

There are actually a few ways that someone can be released from detention. In the next chapter, we have a look at these.

## **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 Home Office gives you 'Removal Directions' (a date that you will be removed from the UK) it is generally not advisable to apply for bail whilst these directions are in place. BID cannot help stop people from being removed from the UK. You should contact an immigration solicitor to have a chance of stopping your removal.

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

The Home Office policy says that people under 18 who are alone in the UK should only be detained overnight while other arrangements are made.

If the Home Office does not believe that you are under 18, ask your legal representative or the Detention Duty Adviser to contact the Refugee Council, Children's Section by telephone on 0207 346 1134. Email: [children@refugeecouncil.org.uk](mailto:children@refugeecouncil.org.uk). Open Mondays to Fridays: 9.30am – 5.30pm.

- **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 policy says 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 Removal Centre and ask them to make sure the Home Office is also told about your torture. This is called a 'Rule 35 Report'. You and your legal representative have the right to have a copy of this report.

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

The Home Office policy says people suffering from a serious medical condition or mental health problem should only be detained if their condition can be "satisfactorily managed" in detention.

If you have serious medical issues, you should make sure that the detention centre staff are aware of these issues.

You can contact an organisation called Medical Justice. You can make an on-line referral yourself, or your legal representative, family member, visitor can do this for you. Their website is: [www.medicaljustice.org.uk](http://www.medicaljustice.org.uk). Telephone number: 0207 561 7498.

You should immediately apply for bail, and make sure that you provide the court with evidence of your condition, so that they can see that detention is not a suitable place for someone in your condition.

If you have a child in the UK, the Home Office should consider the welfare of children when considering whether to detain you.

## Chapter 2: Five Ways Out of Detention

**There are basically five ways to get released from immigration detention:**

- By Temporary Admission (Temporary Release)
- By Chief Immigration Officer Bail
- If your main immigration case is successful
- By Bail from an immigration judge
- By the High Court

### **Temporary Admission/Temporary Release:**

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

You can write to your Home Office Case owner, dealing with your case to ask them to release you on Temporary Admission. There is no formal application form for this, you could simply write a letter to your case owner. You should receive a response within a few days. **If you are refused Temporary Admission you can still apply for release on bail.**

It costs nothing to ask for Temporary Admission, and it is a good idea to try. The Home Office nearly always refuses such applications so don't be surprised if they say no. However, it is still useful to get a response from them.

Make sure you 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.

## **Chief Immigration Officer Bail (CIO bail):**

This is bail which is granted by a Chief Immigration Officer (CIO) who is employed by the Home Office. You can apply for CIO bail by writing to the Home Office at your Removal Centre and asking them for CIO bail. They will pass your request to the relevant CIO.

Normally the CIO requests two sureties who can offer a lot of money (at least £5000 each). This sort of bail is hard to get, so this handbook only shows you how to apply for bail from an immigration judge.

Sometimes a legal representative will tell you that 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 call your sureties to check their details and that they understand the obligations as a surety.

## **If your main immigration or asylum case is successful:**

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

## **Release by the High Court:**

The High Court of Justice (usually known as the High Court) is one of the Senior Courts 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 Home Office).

If the Home Office has detained you without following the law correctly, you may be able to ask the High Court to determine whether your detention is within the law or not. This is called an "application for Judicial Review", or "JR".

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

### **Bail from an immigration judge:**

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

### **Why should I bother applying for bail?**

- You will get an independent person (called a First Tier Tribunal or immigration judge) looking at your detention to see if the Home Office arguments are strong enough to justify keeping you in detention. If you do not apply for bail nobody other than the Home Office will review your detention.
- Your voice can be heard and you will not remain invisible behind the walls of a removal centre or prison.

#### 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.

This handbook deals mainly with bail from an immigration judge because this type of bail application is the only independent review of your detention. You can ask the immigration judge to release you even if you don't have a lawyer to help you.

In this handbook when we talk about bail, we will be talking about bail granted by an immigration judge, unless we say otherwise. This is also known as IAC bail, because your case will be heard by an immigration judge in a court called the First Tier Tribunal (Immigration and Asylum Chamber).

**In the next chapter, we talk about getting legal advice and working with a legal advisor.**

## Chapter 3: Getting Legal Advice

### How do I ask a legal representative to apply for bail?

If you already have a legal representative such as a solicitor, (s)he is the best person to ask for advice on bail or to make a bail application for you. It is part of their job to consider making applications for your release.

Although there are free advisors who visit detention centres (see below), if you have money you may wish to pay for a solicitor to work on your case.

**IMPORTANT: NEVER PAY A SOLICITOR OR ADVISOR TO WORK ON YOUR CASE WITHOUT FIRST CHECKING THAT THEY ARE FROM A TRUSTED ORGANISATION. THERE ARE DISHONEST ADVISORS WHO WILL TAKE YOUR MONEY, BUT WILL NOT DO ANYTHING TO HELP YOUR CASE, OR WORSE, WILL DAMAGE YOUR CASE. THE LIBRARY OF YOUR DETENTION CENTRE SHOULD HAVE A LIST OF TRUSTED ADVISORS.**

### The Detention Duty Advice scheme (DDA):

The Detention Duty Advice (DDA) scheme is free legal advice provided by law firms regulated by the Legal Aid Agency (LAA).

Under this scheme, each IRC has lawyers available at the centre a few days each week. The lawyers will come to the IRCs to give advice and the advice they give is free of charge. To make an appointment you need to sign up in the library. Only solicitors with a DDA contract for your removal centre can take on your case under legal aid (public funding).

If you have a non-DDA solicitor working for you *before* you are detained, and they are still working for you, then that is fine, they can carry on representing you as long as they have done at least five hours of work on your case.

To find out which organisations have the DDA contract for your removal centre, please see the DDA section in the back of this book. Please check that this information is up to date, as the solicitors who visit can change.

The lawyers on the DDA scheme have been told by the LAA that they should look at your bail case separately from your main immigration case. In many cases they should apply for bail even if your main immigration case cannot be given public funding.

If you are held in prison, your situation is different. You can contact any solicitor to help you, as long as their offices are located within reasonable visiting distance from the prison. Ask a prison officer for a list of nearby solicitors.

### **My solicitor is bad. Can I complain?**

To start with, you should tell your solicitor that you are not happy with their work. If that doesn't solve the problem, you should complain to your legal representative in writing. They must respond to your complaint in writing within a certain time.

If you are not happy with their response, you can complain about them to either the Solicitors' Regulation Authority (SRA), the Legal Ombudsman, or the Office of the Immigration Services Commissioner (OISC):

1. If your legal representative is a solicitor you can complain to the Solicitors Regulation Authority (SRA). You can contact them on 0370 606 2555. For more information check their website at [www.sra.org.uk](http://www.sra.org.uk).
2. You can also complain about your solicitor to the Legal Ombudsman on 0300 555 0333, Mon-Fri, 8:30am-5:30pm. For more information check their website at [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk).
3. The Office of the Immigration Services Commissioner (OISC) is in charge of regulating all immigration advisers. You can contact them by telephone on 0345 000 0046 or check their website at <https://goo.gl/qVnSRn>

## **Will my solicitor apply for bail for me?**

You will have to ask your solicitor whether they will make an application for bail. There are a number of reasons why your legal representative may not wish to make a bail application for you, for example:

- They are trying to get you out of detention in another way.
- They are waiting for a change in your case (particularly where you have already had a bail application that has recently been refused).
- They say you need sureties or accommodation.
- You have 'Removal Directions' (i.e. the Home Office has issued you with notice that you will be removed from the UK).
- They think that your bail application has little chance of success or say they cannot use public funding (in this case, you have a right of review (appeal) against a refusal of legal representation from a legal aid solicitor).

**If your solicitor is not doing bail for you, remember that you can still make an application yourself without a solicitor. The rest of this handbook is dedicated to explaining exactly how to do this.**

## **Chapter 4**

### **Frequently Asked Questions about Bail**

If you are detained, making a bail application is probably your best chance of getting released. We don't think you will regret making an application for bail. It means that you will be taking steps to end your own detention. Whatever the outcome, your case will be heard by an independent judge in a court.

Whenever we at BID meet detainees and explain about bail, we find that people ask the same questions. So, to begin with, we will answer the most common questions about bail.

#### **Can I apply for bail?**

Yes. Anyone can apply for bail who is in immigration detention and has been in the UK for seven days. You cannot apply for bail if you have already had a bail application within the last 28 days (and your circumstances have not significantly changed). You cannot be released on bail if the Home Office issues you with directions for your removal from the UK within 14 days of your grant of bail.

#### **How much does bail cost?**

Nothing. It costs nothing to make a bail application if you do it yourself. If you instruct a private solicitor, they will charge you for a bail application. They might charge between £500 and £2000 to do so. Unless you have a lot of money, it is probably not worth paying a solicitor to do bail for you.

#### **Do I need a surety?**

A surety is someone who can come to court, and promise the court money if you were to run away

#### **YOU DO NOT NEED A SURETY TO APPLY FOR BAIL.**

**Please refer to the next chapter for more information about sureties.**

### **Can I go for bail without an address?**

No. You need an address to be released on bail. If you do not have anywhere to live, you can apply for 'Section 4' accommodation. Please see Chapter 6 about Accommodation in this booklet for more information.

### **I have applied for Temporary Admission. Can I apply for bail too?**

Yes. Temporary Admission is asking the Home Office (the detaining authority) to release you. You can apply for bail at the same time from the First Tier Tribunal.

### **I want to apply for bail, but I am worried about the effect on my immigration case.**

Don't worry about this. Applying for bail cannot affect your immigration case.

### **How many times can I go for bail?**

You can go for bail as many times as you like. The only condition is that you must wait 28 days between bail hearings, unless there is a change in circumstances.

### **What is a 'change in circumstances'?**

That is a good question. It depends. If you think that your circumstances have changed significantly enough to lodge a hearing earlier than 28 days, you may wish to discuss the issue with BID.

## Chapter 5: Sureties

If you have read the previous chapter, you will know that **you do not need a surety to apply for bail.**

However, if you are lucky enough to have sureties, this chapter explains more about using them.

### What is a surety?

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

- Can make sure you keep in contact with the authorities if you are released from detention.
- Will pay money if you run away (abscond) or do not keep to conditions set by your release.

**YOU DO NOT NEED A SURETY TO APPLY FOR BAIL. HOWEVER, A SURETY CAN MAKE A BAIL APPLICATION MORE LIKELY TO SUCCEED.**

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. However, a surety will make a grant of bail more likely.

If you have a surety, you will need to put the details of your surety on the bail application form. You can also explain your relationship with your surety in your 'grounds for bail'. There is space on the form for two sureties but you can have more than two, or only one, if you wish.

## 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. People who are unemployed can be sureties, but they must have enough money.

If your potential surety has a criminal conviction, it is probably best not to use them. You can discuss this with BID.

It is a good idea for your surety to have met you a few times at least, so that she or he can explain to the immigration judge that they know you well enough to make sure you keep in touch with the authorities. If they have not met you many times, but you have spoken many times on the telephone, the judge may accept them as a surety.

**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.**

Many people ask BID "my surety lives in London. Can the bail hearing be listed in another hearing centre?" The answer is, unfortunately, no.

**SEE PAGE 31 TO SEE WHICH COURT YOUR SURETIES MUST GO TO. IT IS DIFFERENT FOR EACH DETENTION CENTRE.**

## How much money must the surety promise?

- 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 £2000 or more. It depends on the surety's income and any savings.
- The money offered must belong to the surety and must have been in their bank account continuously for 3 months. It cannot be money which is borrowed, for example, a bank loan or money from friends.
- The surety must bring the last 3 months' bank statements and/or pay slips to prove to the judge that they have the money.

- The money will not be taken from your surety unless you run away.

### **When do you tell the court about your surety?**

You must give details of your surety at section 4 of the B1 bail application form because the Home Office will want to do a police check on your surety before your bail hearing. A person cannot just come to the court on the day of the hearing and be a surety. Normally the court and the Home Office need at least 48 hours' notice of who your surety is so that all the checks can be done.

### **What happens to the surety's money?**

<b>If you comply with all the conditions of release</b>	<b>If you do not keep to the conditions of your release</b>	<b>If you are given Temporary Admission or permission to stay in the UK or are removed from the UK</b>
Your surety will not have to give money to the court.	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. It may be possible to build up a relationship with a visitor from a visitors' group or charity who will then offer to be a surety. In general, however, there is no organisation that provides sureties to detainees.

## **Chapter 6: Accommodation**

**Before you apply for bail, you must find somewhere to live. The judge will not release you without accommodation.**

**You have a number of options:**

### **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 or a residence permit).
- 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 to show 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 to confirm the offer of accommodation.

### **The Home Office Section 4 Bail Team**

The Home Office Section 4 Bail Team provides bail accommodation, and food vouchers, for people in detention who otherwise have no accommodation to go to on release.

## **How do I apply for Section 4 accommodation and support?**

You fill in the three-page section 4 form. You can also find it online, or in the Library/IT room of your detention centre or from us at BID. You send this form off to the fax number provided on the last page, and then you wait for an address.

## **That seems very simple. How long does it take?**

When you apply for section 4, they will usually send you an acknowledgement letter and inform you whether you are eligible for 'initial accommodation'. You will normally get a response within a week to ten days.

If you are not eligible for initial accommodation, you will be sent to 'dispersal accommodation'. Dispersal accommodation is usually in more remote parts of the UK. It often takes rather a long time to get dispersal accommodation, and can even take many **months**.

## **That's quite a difference. Who decides whether I get initial or dispersal accommodation?**

It usually depends on your immigration and criminal history. It is worked out between Section 4 and your Home Office caseowner.

## **Is everyone entitled to section 4?**

No. If you are an EEA national, you are not entitled to Section 4. Also, if you have requirements for accommodation which Section 4 is unable to meet, you may be unable to get a section 4 address. If you are unable to apply for release from detention because you are not eligible for Section 4, you should contact a solicitor, or BID to discuss your options or for updates to this situation.

## **If you are under criminal licence**

You should be aware that if you are under licence for a criminal offence, you will need to get any proposed address checked by the probation service **before** applying for bail.

## **Chapter 7: How to Apply for Bail**

**I have my accommodation arranged. I may even have a surety or two. I think that I am ready to apply for bail. What do I do now?**

This is the easy part. You just have to fill in the B1 application form for bail and send it to the correct tribunal.

### **The B1 bail application form**

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.

The B1 application form is available online. You can just type B1 bail application form into your internet search engine.

Alternatively, you can find this form at the BID website ([www.biduk.org](http://www.biduk.org)).

Otherwise you should be able to get a copy of this form from your detention centre. Please ask a member of staff to tell you where you can get this.

Or just contact us at BID and we'll send you one with our 'outreach pack'


**On the next five pages is a sample of a filled in B1 form with some hints about things that you may not understand when filling in the form.**

THE IMMIGRATION ACTS		Application to be released on bail		Form B1
<b>Section 1</b>		<b>Personal Information</b>		
<b>A</b>	Home Office reference number	M1234567		
<b>B</b>	NOMS number (if applicable)			
<b>C</b>	Your surname or family name. Please use CAPITAL LETTERS	Smith		
<b>D</b>	Your other names	John		
<b>E</b>	Address where you are detained	IRC COLNBROOK HARMONDSORTH WEST DRAYTON MIDDLESEX		
		Post code UB7 0FX		
<b>F</b>	Your date of birth (Give as Day/Month/Year)	14/11/74		
<b>G</b>	Are you male or female?	Male <input checked="" type="checkbox"/> Female <input type="checkbox"/>		
<b>H</b>	Nationality (or nationalities) or citizenship	MOROCCAN		
<b>I</b>	Date of arrival in the United Kingdom	14/05/14		
<b>J</b>	Do you have a representative?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, your representative should complete Section 7 on page 4.		
<b>Section 2</b>		<b>About your application</b>		
<b>A</b>	Do you have an asylum or immigration appeal pending?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	What is the appeal number, if you know it?	
<b>B</b>	Have you lodged a bail application before?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	What is the bail number, if you know it?	
	If yes, have you been refused bail at a hearing within the last 28 days?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	If yes, what was the date of that hearing?	/ /
<b>C</b>	The address where you plan to live, if your bail application is granted.	Number/Street 28 CAMBERWICK GREEN		
		Town	TRUMPTON	
		Post code	TR21 4PT	
<b>D</b>	Are directions for your removal from the United Kingdom currently in force?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	If so, what date is removal to take place?	/ /

You put your personal details in this section.

Put the address of your detention centre here

Don't worry if you don't know these numbers

Section 3		Personal Information	
<b>A</b>	<b>Recognizance</b>	I agree to be bound to a recognizance of £ 1.00	
<b>B</b>	<b>Deposit</b> – applies to bail applications in Scotland only	If bail is granted, I will pay a deposit of £	
<b>C</b>	<b>Electronic monitoring</b> – if bail is granted and electronic monitoring is considered an appropriate condition of bail, you will remain in detention until such times as the Home Office have arranged for you to be electronically monitored, but not exceeding 2 working days after the date on which bail is granted.  If appropriate, do you consent to the above?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	
<b>D</b>	Applicant's signature and date		01/01/16
<b>E</b>	Name of the Applicant. Please use CAPITAL LETTERS	John Smith	
Section 4		About your sureties (if any)	
		Surety 1	Surety 2
<b>A</b>	Surname or family name. Please use CAPITAL LETTERS.	Osborne	
<b>B</b>	Other names	George	
<b>C</b>	Address	11 Downing Street London	
		Post code WC1 2PT	Post code
<b>D</b>	Telephone number	020 7456 9750	
<b>E</b>	Relationship to the Applicant	Friend	
<b>F</b>	Immigration Status	British	
<b>G</b>	Occupation	CIVIL SERVANT	
<b>H</b>	Recognizance/Deposit	£ 1000	£
<b>I</b>	Date of birth	23/5/71	
<b>J</b>	Nationality (or nationalities) or citizenship held	BRITISH	
<b>K</b>	Passport number(s) (if more than one nationality is held)	SK4010	

Just put £1 in this box. It isn't very important

By ticking 'yes' and signing this part you consent to electronic tagging, if the judge should decide this.

This is where you put the details of your surety, or sureties. If you don't have any, leave it blank. Try to fill in all the information.

<b>Notice to the Applicant</b>		Please ensure that you and your surety/ies bring to the bail hearing: passports, bank statements and other financial documents necessary for the grant of bail.	
<b>Section 5</b>		<b>The grounds on which you are applying for bail</b>	
		<ul style="list-style-type: none"> <li>In this section you must set out all the reasons why you think you should be released.</li> <li><b>If you have had a previous application for bail refused, you <u>must give full details</u> of any additional grounds or change in circumstances since then.</b></li> <li><b>If that refusal was within the last 28 days, the application you are now making will be dismissed without an oral hearing unless you can show that there has been a material change of circumstances.</b></li> <li>Give as much detail as possible: use additional sheets of paper if you need to, and attach them to this form.</li> </ul>	
<p>I CANNOT BE REMOVED SOON BECAUSE: I HAVE NO TRAVEL DOCUMENT TO RETURN TO MY COUNTRY</p> <p>I WILL NOT ABSCOND BECAUSE</p> <ol style="list-style-type: none"> <li>I HAVE A SURETY OFFERING 1000 POUNDS</li> <li>I HAVE NEVER ABSCONDED BEFORE</li> <li>I CLAIMED ASYLUM AS SOON AS I ENTERED THE UK.</li> </ol> <p>OTHER REASONS: I HAVE A MEDICAL CONDITION WHICH MEANS THAT I MUST SEE A DOCTOR FREQUENTLY. SEE MEDICAL REPORT ATTACHED.</p>			
<b>Section 6</b>		<b>At the hearing of your application</b>	
<b>A</b>	Will you or your surety need an interpreter?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	If yes, which language will be needed?
		Language	SPANISH
		Dialect (if required)	
<b>B</b>	If you or your legal representative has a disability, please explain any special arrangements needed for the hearing.		

Here is where you can write your grounds for bail.

If you wish to write more grounds, you can use an additional sheet of paper, and send it with the form. Try not to make them too long, though.

Make sure your handwriting is neat and legible.

Make sure you address the key points:

1. Why you will not run away.
2. Why your removal will not take place in the near future.
3. Any other issues specific to your case, such as medical issues or issues with your past offending

**BUT REMEMBER!**

If you want to assert something in court (such as a medical problem), you need to send evidence with your B1 form, so the court can have proof.

If you need an interpreter, write the language here. It's completely free.

If you have a disability, state it here, so the court can make arrangements.

C	<p>The hearing in respect of this bail application may be conducted by a video link during which you will remain in the place of detention. Where exceptional circumstances exist and it is considered that the you are unable to use the video link medium, please provide those reasons in this box for consideration by the Resident Judge. <i>An appropriate member of the judiciary will decide whether the application will be heard in person or by video link. Parties will be informed of this decision when the case is listed.</i></p>	
Section 7		Representation
If you have a representative, he or she must complete this section.		
A	Declaration by the Representative	I, the representative, am making this application in accordance with the Applicant's instructions.
B	Representative's signature and date.	<div>/</div>
C	Name of the representative. Please use CAPITAL LETTERS.	
D	Name of the representative's organisation.	
	Postal address of the organisation.	
E	Reference for correspondence	
F	Telephone number	
G	Mobile number	
H	Fax number	
I	Email address	

Note that this entire section has been crossed out. If you are doing your own bail application, you don't fill this section in.


If your solicitor were representing you, they would fill this section in on your behalf.

<b>J</b>	Are you an office regulated by the Office of the Immigration Services Commissioner (OISC)?	No <input type="checkbox"/> Yes <input type="checkbox"/>	Please provide OISC reference:	
<b>K</b>	Has the Applicant been granted publicly funded legal representation?	No <input type="checkbox"/> Yes <input type="checkbox"/>	Please provide the LSC reference if applicable:	

<b>Notice to representatives</b>	You must notify the court in which the bail application is made, and other parties, if you cease to represent the Applicant. If the Applicant changes representative, details of the new representative should be sent to the same address to which you are sending this form. Please give the <b>Applicant's full name, address, and Home Office reference number.</b>
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<b>Section 8</b>	<b>Declaration by Applicant</b>
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	If you are the Applicant and you are completing this form yourself, you must complete the declaration.
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<b>A</b>	<b>Declaration by the Applicant</b>	I, the Applicant, believe that the facts stated in this application are true.
	Applicant's signature and date.	<div>  <div>01/11/2016</div> </div>

<b>B</b>	Name of the Applicant. Please use CAPITAL LETTERS.	JOHN SMITH
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<b>Section 9</b>	<b>When you have completed the form</b>
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What to do next	Keep a copy of this form for your own use. Send or deliver the original form to the court to which you intend to make your application for bail.
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Data Protection statement	Information, including personal details, provided in this form will not be used by the First-tier Tribunal for purposes other than the determination of your application. The information may be disclosed to other government departments and public authorities only, for related immigration or asylum purposes.
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Just sign and date the form.

Now it is finished.

## 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 Removal Centre. It is best to send your form by fax so that you have proof that you sent it.

Here are the contact details of the various courts:

<b>Removal Centre</b>	<b>Court</b>	<b>Fax Number</b>
Brook House	Taylor House	0870 739 4055
Campsfield House	Newport	0870 739 4406
Colnbrook	York House	0870 761 7670
Dungavel	Glasgow	0141 242 7555
Harmondsworth	York House	0870 761 7670
Morton Hall	Stoke, Bennett House	0870 324 0108
Tinsley House	Taylor House	0870 739 4055
The Verne	Birmingham	0870 739 5792
Yarl's Wood	Yarl's Wood IAC	01264 347 997
Yarl's Wood	Birmingham (see note below)	0870 739 5792
Prisons (HMPs)	Please ask an officer in your prison	

Note: Yarl's Wood cases used to be heard in Birmingham, but since mid-2015, they have been heard in Yarl's Wood tribunal centre. This situation could change in the future.

There is one telephone number for all the Immigration Courts:

<b>Telephone number for IAC Support Centre</b>	0300 123 1711
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## **Do I need to send anything with the form?**

It is a good idea to send any evidence you are relying upon with your bail application form. That means any medical documents, certificates, official documents, and so on. Make sure you keep copies.

If you have sureties, your sureties can bring their documents (bank statements, payslips) to court themselves. They must not forget these.

If your accommodation provider is attending court, they can bring the accommodation documents with them. If they cannot come to court, you should send these documents to court with your bail application form.

## **What happens after I have sent the form?**

The court will 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 it can take longer. If you want the court to set your date for a particular day then tell them in writing when you send the application form. Your chosen date needs to be at least 3 days after the date you submit your application.

The court will send a copy of your form to the Home Office who will write a 'bail summary'. The bail summary is explained in Chapter 9 - Hearing Date.

## Chapter 8. Grounds for bail

This chapter deals with Section 5 of the application to apply for bail (B1).

Section 5 of the B1 is called "The grounds on which you are applying for bail." It looks like this:

Section 5	The grounds on which you are applying for bail
	<ul style="list-style-type: none"> <li>• In this section you must set out all the reasons why you think you should be released.</li> <li>• <b>If you have had a previous application for bail refused, you <u>must give full details</u> of any additional grounds or change in circumstances since then.</b></li> <li>• Give as much detail as possible: use additional sheets of paper if you need to, and attach them to this form.</li> </ul>
<p>In this box, give all the reasons why you think you should be released.</p>	

You can see in the box it asks you to "give all the reasons why you think you should be released."

**This is a very important part of the application form.** It is an opportunity for you to tell the immigration judge the reasons why you think you should be released on bail. We suggest that you use a separate piece of paper to write your grounds for bail.

The next few pages may help you to write your grounds for bail. Please read the sections which apply to you.

**Before you start, here are some important points:**

- 1. You do not have to write your grounds for bail on the B1 form itself. You can use additional sheets of paper. We suggest you use our template form on page 39.**
- 2. Do not use your grounds for bail statement to argue immigration issues. For example, do not say "I will be killed if I am returned to my country". Although this may be true, it may give the judge the idea that you may run away if released. This is not what you want them to think.**

### **Your Grounds for Bail Statement**

Many people in detention are refused bail for the same reasons. The most common reasons why people are refused bail are:

1. The judge believes that they are 'likely to abscond' (run away) if released from detention.
2. The judge believes that they are likely to be removed from the UK 'imminently' (soon).

A third reason is often used to refuse bail in many cases:

3. The judge believes that, if released, they are likely to reoffend. This only applies to those who have been convicted of a criminal offence in the past.

There may be other reasons which the judge uses to refuse bail, but the three mentioned here are the most common. We therefore recommend that you include in your 'grounds for bail' statement your arguments why these three reasons do not apply to you

## **1. WHY I WILL NOT ABSCOND**

You need to give reasons why the judge should trust you to keep to any conditions that are set for you if you are granted bail.

The Home Office will argue, both in the bail summary and in front of the judge, that if you are released, you are likely to run away.

How will the Home Office try to prove this point? They will refer to your immigration and criminal history (if you have one). They may say: 'this person has committed immigration offences in the past and will therefore do so again', or, 'this person has committed a crime in the past, and will therefore do so again'.

You should use any arguments which you can think of to prove that the Home Office is wrong about you, and that you can be trusted.

### **Here are some arguments you can use:**

- Perhaps the Home Office is mistaken when they say you have broken rules in the past. If they have made a factual error in your monthly progress reports, or in the bail summary, you should point this out to the judge.
- Perhaps you are waiting for a decision on your immigration case or on an asylum claim, or you have an outstanding appeal to stay in the UK. Naturally, you wish to wait for a positive decision, and absconding or breaking bail conditions would damage your case. You should argue therefore that you have no interest in running away while your case is being decided.
- Perhaps you have sureties, or you will be living with family or close friends. In this case, you can make the argument that you have a strong reason to stay in one place. This is particularly the case if you have a child to look after, or an elderly relative or someone with an illness.
- Perhaps you yourself have a medical condition, or a problem that needs treatment, which means that you must stay in one place in

order to receive treatment. In such a condition, you are unlikely to run away.

- In some cases, the Home Office will have strong reasons for believing you will abscond. You might have broken conditions of release in the past, or stopped signing on for some reason. In this situation, it may be unlikely that a judge will trust you a second time. However, there are arguments you can make:
  - Why did you abscond the first time or break your conditions? If you explain the reason to the judge, they may be sympathetic.
  - Has something changed since the time when you broke your conditions? Perhaps you used to have an addiction problem, which you are now addressing, or perhaps you had an accommodation problem, which prevented you from signing regularly. If you explain how things are different now, the judge may be more likely to trust you.

**IMPORTANT:** The judge will expect you to provide evidence for everything that you say. For example, if you claim you have a medical condition, you should present a doctor's report to show that you have a medical condition. If you will be looking after someone on release, you should provide evidence of that. .

**REMEMBER:** If you have broken conditions or absconded in the past, it is better to admit to this in front of the judge, as this will show that you are honest about your mistakes. If you try to excuse yourself, you might appear untrustworthy.

## **2. WHY I WILL NOT BE REMOVED SOON**

You should always remember that you are detained for a reason, and that reason is to REMOVE OR DEPORT YOU FROM THE UK.

If you can successfully argue that your removal is not likely to happen soon, then you should be released.

The Home Office nearly always says that a removal will take place

'imminently', although the removal may not happen for days, weeks, or in some cases, months.

**Here are some arguments you can make:**

- Perhaps you still have a case in court. As long as you have a case in the UK courts, your removal should not take place. Therefore, could you be released until the case is ended?
- Perhaps you are waiting for travel documents because you do not have a valid passport. For some countries, this process can take a long time. This is another reason why you should not be kept in detention while the Home Office gets travel documents for you.
- Perhaps the political situation in your country prevents your removal there, even when there are travel documents. In recent years, removal to countries such as Zimbabwe, Somalia, Iran, Iraq and Syria has not been possible. If you are aware that removals are not happening to your country, you should ask to be released until removals begin again.
- Perhaps you have simply been in detention a very long time. If the Home Office has been arguing for several months that your removal is 'imminent', then maybe they are wrong about this.

**REMEMBER:** If you have had removal directions (i.e. a ticket), and have refused to board a plane, or if you have been to interviews with the Home Office or your Embassy and have refused to give information to help obtain a travel document, then this will make release more difficult. Under these circumstances, judges will often say that you could be removed if you co-operate, and that therefore it is your own fault that you are in detention. Of course it is your choice if you do not wish to co-operate with the Home Office and your embassy, but you should know the effect that your lack of co-operation will have on your chances of getting bail.

On the next page you will find a blank template for writing your grounds for bail. You can copy this to use for your own grounds.

### **3. WHY I WILL NOT REOFFEND**

If you have a criminal conviction you will face an additional problem: the Home Office will argue that, even though you have completed your sentence, you should be kept in detention, just in case you commit another offence.

Judges are often worried about releasing people who they consider may be a danger to the community. If you have been convicted of a violent or sexually-related offence, you should prepare to face some difficulty in persuading a judge to release you.

If the Home Office is making arguments that you should be detained because you are likely to reoffend, here are some arguments that you can try.

- Point out that you have finished your sentence, and that you should not continue to be punished for this offence.
- Explain why you are unlikely to commit another crime, maybe because you have changed, or because your circumstances have changed.
- Have you received a positive report from probation, or any other body? If not, can you obtain a letter of recommendation from friends, former employers, church members or even detention centre staff? Anything you show the court which can provide evidence of your good behaviour will help you.
- It is important to acknowledge the seriousness of your offence. Try to convince the judge that you understand what you have done, and that you feel remorse for your actions and will not re-offend.
- You can say that you are willing to comply with any conditions as an alternative to detention. This could include electronic monitoring if you agree to this.

**IMPORTANT:** If you consider yourself to be innocent of the charge that put you in prison, do not mention this to the judge in your bail hearing. The bail hearing is not the right place to make these arguments, and the immigration judge cannot revisit your criminal sentence.

### How to Write Your Grounds for Bail

My name is \_\_\_\_\_. I do not have a lawyer to represent me for bail. I am therefore preparing my application myself using the handbook produced by the charity Bail for Immigration Detainees (BID).

#### **I will not abscond because**

#### **My removal from the UK cannot happen soon because**

#### **You may have other reasons for wanting to get out of detention**

## **Chapter 9. The bail hearing**

After you have sent your bail application form to the tribunal centre, your bail hearing will be arranged for you.

### **Frequently Asked Questions:**

#### **So what happens next?**

After a few days, you will receive your NOTICE OF HEARING. You will usually get this by fax.

#### **How will I know the date of the hearing?**

The IAC will write 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 do not get the Notice of Hearing, ring the court to check what is happening on 0300 123 1711.

#### **When will my hearing be listed?**

You will usually hear within a week of sending the application form. At certain times, the courts become busy and listing takes longer than usual (sometimes 2 weeks).

#### **Can I request a particular date for a hearing?**

You can, but the courts offer no guarantee that they will list on a particular day. Make your request in writing with the B1 application form.

#### **What do I do when I get the hearing date?**

- Tell your sureties (if you have any) the court date so that they can come to court.
- Tell the person giving you accommodation the court date so that they can come to court.
- Tell anyone else who is supporting your application the hearing date if they want to be present at the hearing.
- Check that an interpreter will be available (if you have requested an interpreter on your bail form) by telephoning the IAC.

- 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 original passport (not copies) or identity document.
  - Your surety's bank statements for the past 3 months.
  - Your surety's 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 a 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 Home Office 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 (IS151F 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 my hearing? – Bail Summary**

- When you make an application for bail the Home Office must respond with a "bail summary". This is a document which explains why they oppose bail. The Home Office will put into this document all the reasons why they think you should not be released.
- You should be sent a copy of the bail summary 24 hours in advance or at the latest by 2pm on the day before your bail 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**

- The time of your hearing is on your **notice of hearing**. But all hearings are listed for the same time, so you may have to wait for yours. The judge will decide which order to hear them in.
- Most hearings are now held by **video link**. You will be in a room in the removal centre, and you will see the court on a TV screen. In some cases you are actually produced in court.

### **What will happen during the court hearing?**

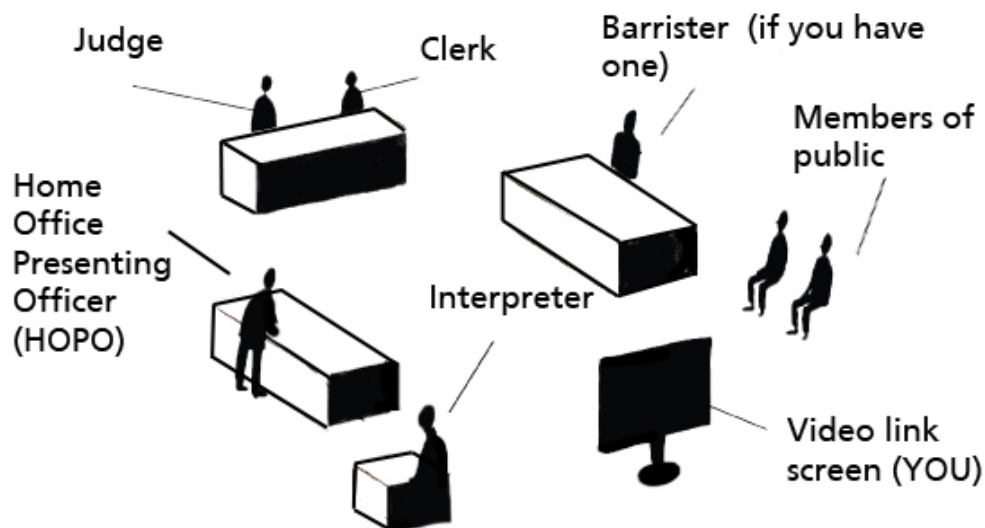
All court hearings are different but this is what happens at a typical hearing. Remember that this may not happen at all hearings. If your hearing is by video link, you will not go to court yourself. Instead you will go to a room in the removal centre and communicate with the judge and sureties via a screen and microphone.

- An escort will bring you to a room in the removal centre with a screen linked to the court.
- The judge will come into the room. Everyone will stand up.
- The judge will check details like your name and should introduce the other people in the room.
- The judge will ask the Home Office Presenting Officer (HOPO) whether he or she has anything to say. Normally the HOPO does not say anything beyond what is in the bail summary and 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 should 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.
- If the judge thinks you are suitable for bail he or she will speak to your sureties and the person providing accommodation.
- The judge will tell you his or her decision.
- If bail is granted, the conditions of bail will be discussed.

### Diagram of a Typical Courtroom



## The Decision

There are 3 possible results of a bail hearing:

Result	What this means	What next
<b>Your application is granted</b>	You have been successful and you will be released.	<ul style="list-style-type: none"> <li>• The judge will fill in a form and explain the <b>conditions of release</b> to you. These will usually say that you must live at the address you have given and that you must report at certain times and days to an immigration office.</li> <li>• If the judge orders electronic tagging, it may take up to 2 working days for you to be released.</li> </ul>
<b>Your application has been dismissed</b>	You will not be released and will be taken back to the Removal Centre if you are in court in person, or you will stay in the Removal Centre if your hearing is by video link.	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Do not give up! It is important that you apply for bail again because many detainees are released after 4 or 5 bail applications</li> <li>• You can make another bail application in 28 days</li> <li>• If something changes with your case you can make a bail application sooner and you do not have to wait 28 days, but you will have to demonstrate to the court how your circumstances have changed before they will consider your application for release.</li> </ul>

<b>You withdraw your application for bail</b>	<p>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.</p>	<ul style="list-style-type: none"><li>● Sort out whatever problem stopped you from going ahead with your bail case and apply for bail again.</li><li>● If the judge suggests that you should withdraw, then 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.</li></ul>
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## **Where to find the Forms**

### **Where to find a B1 application form**

The B1 application form is available online. You can just type B1 bail application form into your search engine.

Alternatively, you can find this form at the BID website ([www.biduk.org](http://www.biduk.org))

You can also get a copy of this form from your detention centre. Please ask a member of staff to tell you where you can get this.

If you have problems, just contact us at BID and we'll send you one with our 'outreach pack'

### **Where to find a Section 4 application form**

On the internet, type "application for section 4 bail address and support" and you should find the right form.

Alternatively, the Section 4 form is available, like the B1, in your detention centre or prison.

Otherwise, contact BID and we will be happy to provide you with one.

### **Visitors Groups**

Visitors Groups do not give legal advice, but can visit and offer support to detainees. If you are detained and would like someone to visit you, you can contact the Association of Visitors in Immigration Detention (AVID), 1b Waterlow Road, London N19 5NJ. Telephone number: 020 7281 0533.

<b>Removal Centre</b>	<b>Name of Visitors Group</b>	<b>Contact Details</b>
Brook House and Tinsley House	Gatwick Detainees Welfare Group	Tel: 01293 657 070 Fax: 01293 474 001 <a href="http://www.gdwg.org.uk">www.gdwg.org.uk</a>
Campsfield House	Asylum Welcome	Tel: 01865 722 082 Fax: 01865 792 532 <a href="http://www.asylum-welcome.org.uk">www.asylum-welcome.org.uk</a>
Dungavel	Scottish Detainees Visitors	Tel: 0141 248 9799 <a href="http://www.sdv.org.uk">www.sdv.org.uk</a>
Harmondsworth IRC and Colnbrook IRC	Detention Action	Freephone: 0800 587 2096 Tel: 020 7226 3114 Fax: 020 7226 3016 <a href="http://www.detentionaction.org.uk">www.detentionaction.org.uk</a>
Morton Hall	Morton Hall Detainee Visitors Group	Tel: 07758 604 293 <a href="http://www.mortonhallvisitors.org.uk">www.mortonhallvisitors.org.uk</a>
The Verne	The Verne Visitors Group	Tel: 07518 523 220 <a href="http://www.vernevisitors.org.uk">www.vernevisitors.org.uk</a>
Yarl's Wood	Yarl's Wood Befrienders	Tel: 01234 272 090 <a href="http://www.ywbefrienders.org.uk">www.ywbefrienders.org.uk</a>

## **List of useful organisations**

The following 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 or migrants. Contact the group nearest to your place of detention or where you lived before you were detained.

### **Asylum Support Appeals Project (ASAP)**

Can provide advice on asylum support applications.

Studio 11/12, Container City Building, 48 Trinity Buoy Wharf, London, E14 0FN

Tel: 020 3716 0284

Fax: 020 3716 0272

Advice Line: 020 3716 0283 (Monday, Wednesday & Friday 2pm-4pm)

Website: [www.asaproject.org](http://www.asaproject.org)

### **Asylum Aid**

Provides legal advice and representation to asylum seekers and has a helpline.

Club Union House, 253-254 Upper Street, London, N1 1RY

Tel: 020 7354 9631

Fax: 020 7354 5620

Advice Line: 020 7354 9264 (Tuesday 1pm-4pm)

Website: [www.asylumaid.org.uk](http://www.asylumaid.org.uk)

### **Detention Action**

A campaigning organisation which also visits detention centres.

Leroy House, Unit 3R, 436 Essex Road, London N1 3QP

Freephone number: 0800 587 2096

Tel: 020 7226 3114

Fax: 020 7226 3016

Website: [www.detentionaction.org.uk](http://www.detentionaction.org.uk)

### **Freedom from Torture**

Can provide medical support, counselling and medico-legal reports for people who are victims of torture.

111 Isledon Road, London, N7 7JW

Tel: 020 7697 7777

Fax: 020 7697 7799

Website: [www.freedomfromtorture.org](http://www.freedomfromtorture.org)

## **Medical Justice**

Arranges for doctors to visit people in immigration detention.

Tel: 0207 561 7498

Fax: 08450 529370

Website: [www.medicaljustice.org.uk](http://www.medicaljustice.org.uk)

## **Refugee Council**

For advice and support in relation to basic asylum law

Website: [www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)

London Office:

Tel: 020 7346 6700

Fax: 020 3743 9581

If you are, or know of, a child detained because the Home Office thinks they are an adult, then you should contact:

The Children's Section:

Tel: 020 7346 1134

Email: [children@refugeecouncil.org.uk](mailto:children@refugeecouncil.org.uk)

## **Scottish Refugee Council**

Advice on welfare issues for asylum seekers and refugees

Scottish Refugee Council, 5 Cadogan Square, Glasgow, G2 7PH

Tel: 0141 248 9799

Fax: 0141 243 2499

Website: [www.scottishrefugeecouncil.org.uk](http://www.scottishrefugeecouncil.org.uk)

## **Finding Legal Representation and Complaints:**

### **Law Centres Network**

To find out where your nearest law centre is contact:

Floor 1, Tavis House, 1-6 Tavistock Square, London WC1H 9NA

Tel: 020 3637 1330

Website: [www.lawcentres.org.uk](http://www.lawcentres.org.uk)

### **Office of the Immigration and Services Commissioner (OISC)**

5th Floor, 21 Bloomsbury Street, London, WC1B 3HF

Tel: 0345 000 0046 (local rates), 020 7211 1500

Fax: 020 7211 1553

Immigration advisers are regulated by the OISC. This means that the advisers must meet the requirements and standards of the OISC. The OISC has a list of immigration advisers you can contact. The OISC will consider investigating complaints about service received or the conduct of an adviser where these are made against an OISC regulated adviser or someone giving immigration advice or services unlawfully.

### **The Law Society**

The Law Society is the representative and regulatory body for all solicitors of England and Wales  
13 Chancery Ln, London WC2A 1PL  
Tel: 020 7242 1222

To find a solicitor you can use their online service at:

[www.solicitors.lawsociety.org.uk](http://www.solicitors.lawsociety.org.uk)

### **A note about making complaints:**

If you are unhappy with the service given by your representative, you have the right to make a complaint. You should try and resolve the problem by writings to the person responsible for handling complaints at your representative's firm/organisation, before making a complaint to the OISC or the Solicitors Regulation Authority or Legal Ombudsman.

### **Solicitors Regulation Authority**

Tel: 0370 606 2555  
Fax: 0121 616 1999  
Website: [www.sra.org.uk](http://www.sra.org.uk)

### **Legal Ombudsman**

Tel: 0300 555 0333  
Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

### **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.

Find out who your Member of Parliament is:

Tel: 020 7219 4272

You will need to give the postcode of the detention centre that you are in or your address if you lived in the UK before being detained.

You can then contact your Member of Parliament via the House of Commons:

Switchboard: 020 7219 3000

Website: [www.parliament.co.uk](http://www.parliament.co.uk)

## LIST OF IMMIGRATION SOLICITORS OPERATING THE DETENTION DUTY ADVICE SCHEME

Name	Address	Telephone	Fax
Wilson & Co	697 High Road, Tottenham, London, N17 8AD  <a href="http://www.wilsonllp.co.uk">www.wilsonllp.co.uk</a>  Colnbrook, Harmondsworth, Harmondsworth Fast Track, Yarl's Wood	020 8808 7535	020 8880 3393
Lawrence Lupin Solicitors	10 <sup>th</sup> Floor Tower, 1 Olympian Way, Wembley, Middlesex, HA9 0NP  <a href="http://www.lawrencelupin.co.uk">www.lawrencelupin.co.uk</a>  Brook House, Campsfield House, Harmondsworth, Tinsley House, Yarl's Wood	020 8733 7200	020 8733 7250
Duncan Lewis	1 Kingsland High Street, Hackney, London, E8 2JS  <a href="http://www.duncanlewis.co.uk">www.duncanlewis.co.uk</a>  Brook House, Campsfield House, Colnbrook, Harmondsworth, Morton Hall, Tinsley House, The Verne, Yarl's Wood	020 7923 4020	020 7923 3320
Fadiga & Co	257-259 Balham High Road, London, SW17 7BD  <a href="http://www.fadigaandco.com">www.fadigaandco.com</a>  Colnbrook, Harmondsworth, Morton Hall, The Verne, Yarl's Wood	020 8672 8779	020 8675 5985
Howe & Co	1010 Great West Road, Brentford, Middlesex, TW8 9BA  <a href="http://www.howe.co.uk">www.howe.co.uk</a>  Harmondsworth, Tinsley House, Yarl's Wood	020 8840 4688	020 8840 7209

Halliday Reeves Law Firm	Collingwood Buildings, 38 Collingwood Street, Newcastle upon Tyne, NE1 1JF  <a href="http://www.hallidayreeves.co.uk">www.hallidayreeves.co.uk</a>  Morton Hall, The Verne	0191 477 7728	0191 269 6838
Parker Rhodes Hickmott Solicitors	The Point, Bradmarsh Way Bradmarsh Business Park Rotherham S60 1BP  <a href="http://www.prhsolicitors.co.uk">www.prhsolicitors.co.uk</a>  Morton Hall	01709 511 100	01709 371 917
Thompson & Co	First Floor 14-16 Mitcham Rd, London, SW17 9NA  <a href="http://www.thompsonlaw.co.uk">www.thompsonlaw.co.uk</a>  Harmondsworth, Morton Hall, The Verne, Yarl's Wood	0208 682 4040	0208 682 4500
Turpin and Miller LLP	1 Agnes Court, Oxford Road, Oxford, OX4 2EW  <a href="http://www.turpinmiller.co.uk">www.turpinmiller.co.uk</a>  Campsfield House	01865 770111	01865 749099

### GLASGOW (for Dungavel)

Name	Address	Telephone	Fax
Livingstone Brown	84 Carlton Place, Glasgow, G5 9TD  <a href="http://www.livbrown.co.uk">www.livbrown.co.uk</a>	0141 429 8166	0141 420 1337
Gray & Co Solicitors	16 Bilsland Drive, Maryhill, Glasgow, G20 9TH  <a href="http://www.grayandcoglasgow.co.uk">www.grayandcoglasgow.co.uk</a>	0141 946 7777	0141 946 9402
Peter G Farrell	70 Royston Rd, Glasgow, G21 2N	0141 552 0033	0141 552 0333
Hamilton Burns WS	63 Carlton Place Glasgow, G5 9TW  <a href="http://www.hamiltonburns.co.uk">www.hamiltonburns.co.uk</a>	0141 429 0600	0141 429 0650
Drummond Miller LLP	65 Bath Street, Glasgow, G2 2DD  <a href="http://www.drummondmiller.co.uk">www.drummondmiller.co.uk</a>	0141 332 0086	0141 332 8295

## **GLOSSARY**

### **THIS IS AN EXPLANATION OF SOME OF THE TERMS USED IN THIS BOOK.**

#### **CIO bail**

Chief Immigration Officer bail. This is one way a detained person or someone acting on their behalf can apply for release.

#### **Detention Duty Advice scheme (DDA)**

Free legal advice provided by law firms to those being held in immigration detention provided under legal aid.

#### **Dispersal**

Dispersal is the process by which the Home Office moves someone to accommodation outside London and the South East. They are first moved to 'initial accommodation' while their application for asylum support is processed. Once the application has been processed and approved they are moved to 'dispersal accommodation' elsewhere in the UK.

#### **Facilitated Return Scheme (FRS)**

This is a scheme that enables foreign national prisoners to be sent back to their country of origin. This scheme is operated by the Home Office.

#### **Fast Track Procedure**

The fast track procedure was a process of speeding up asylum claims, by detaining people while their asylum claims were being processed. Following a legal challenge the procedure has been suspended, but the Home Office is working on a new system.

#### **First-Tier Tribunal (Immigration and Asylum Chamber) (see AIT, Court)**

The First-tier Tribunal (Immigration and Asylum Chamber) or FTT ('IAC') is an independent Tribunal dealing with appeals against decisions made by the Home Secretary and Government officials in immigration, asylum and nationality matters. It also deals with all bail applications.

## **Home Office- UK Visas and Immigration**

This department in the Home Office manages UK border controls and enforces immigration and customs regulations. It also considers applications for permissions to enter or stay in the UK and for citizenship and asylum.

## **Human Rights**

In general, these refer to basic rights which everybody is supposed to have. In UK law, they refer to rights which come from the European Convention on Human Rights, the framework of European Human Rights law which the UK must follow. Article 3 deals with freedom from torture, and Article 8 deals with private and family life.

## **The Immigration and Asylum Chamber (IAC)**

The Immigration and Asylum Chamber is the part of the First Tier Tribunal that hears asylum and immigration appeals and bail hearings.

## **Immigration Judge (IJ)**

The title given to a member of the First-tier and Upper Tribunals (Immigration and Asylum Chamber).

## **Immigration Removal Centre (IRC)**

Immigration Removal Centres are detention centres. They are used to detain people under Immigration Act powers, including those at any stage of the asylum process, not just prior to removal.

## **Initial accommodation**

Initial accommodation is provided to people while they wait for the outcome of their application for Home Office support. If the application is successful an asylum seeker is moved to dispersal accommodation elsewhere.

## **Judicial Review (JR)**

The procedure by which the High Court determines the legality of decisions made by public bodies. Judicial review is confined to the review of questions of law, and does not extend to a review of the merits of the administrative decision or the facts of the case.

## **Legal Aid**

Legal advice that is paid for by the government for people who qualify for it, because they cannot afford to pay for it themselves and their immigration or asylum case is likely to succeed.

## **Legal Representative**

Legal representative is a barrister or a solicitor, solicitor's employee or other authorised person who acts for an applicant or appellant in relation to a claim.

## **Monthly Progress Report (MPR)**

The law says that the Home Office has to (i) review your detention regularly to make sure that your detention is still necessary and (ii) provide written reasons for your ongoing detention. This is done once a month in the form of an MPR.

## **Notice of Hearing**

The letter from the IAC (Immigration and Asylum Chamber) that tells you the time, date and location of your bail hearing.

## **Office of the Immigration Services Commissioner (OISC)**

The Commissioner regulates immigration advice in the UK.

## **Reporting**

Most asylum seekers who are not detained are expected to report to a reporting centre or police station.

## **Section 4 Support**

Section 4 of the Immigration and Asylum Act 1999 gives the Home Office power to grant support to some destitute asylum seekers (not just asylum seekers) whose asylum application and appeals have been rejected. Support granted under Section 4 is also known as 'hard case' support.

## **Tagging**

Tagging, also known as electronic monitoring, is when the Home Office puts an electronic tag on a person's leg, so that they can track their movements at all times.

## **Temporary Admission (TA)**

Temporary admission is notice of a liability to be detained. It is given to asylum seekers applying for asylum at the port of entry who the Home Office does not put into detention, or those who the Home Office released from detention. Those granted temporary admission are issued with an IS96 document.

The purpose of this 'How to Get Out of Detention' book is to advise detainees of their rights in relation to bail. It does not aim to give advice on your application to stay in the UK.

It 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 guide 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 book, please call BID on 020 7456 9750. We will send immigration detainees the latest version for free. For legal representatives, the guide is available on our website, [www.biduk.org](http://www.biduk.org).

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