

# Challenging immigration detention in the United Kingdom

"The most prominent themes to emerge from the interviews were physical and mental health problems, lack of contact with families, and the stress of long-term detention in the face of difficulties of accessing good quality legal services"

Chief Inspector of Prisons/Chief Inspector of UKBA, December 2012



“Many detainees were worried about the progress of their cases and needed help to navigate UKBA policy and complex immigration legislation. However, access to legal advice and representation was problematic, with legal aid restrictions and poor quality advice regularly cited as major difficulties. In our surveys, only 31% of detainees said they were getting free legal advice.”

**HM Chief Inspector of Prisons for England and Wales, Annual Report 2011-12**

“The Committee remains concerned at: (c) the absence of limit on the duration of detention in Immigration Removal Centres. The Committee urges the State party to (a) ensure that detention is used only as a last resort in accordance with the requirements of international law and not for administrative convenience.”

**UN Committee Against Torture report – May 2013**

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# Bail for Immigration Detainees

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## What is immigration detention?

There are currently twelve immigration removal centres (IRCs) in the UK (a former prison has just opened as an IRC, and there is a 'family removal centre') and people can also be held post-sentence in prisons under Immigration Act powers. Anyone subject to immigration control in the UK can be held in one of these centres pending either a consideration of permission to enter the country, or pending deportation or removal. IRCs are just like prisons. Freedom of movement is severely curtailed and individuals held in them have limited access to the outside. The power to detain has been conferred on the Home Secretary under a number of Immigration Acts and these powers are devolved to immigration officers. This means that a court does not authorise the decision to detain, continued detention is not subject to a time limit, and individuals in detention are not entitled to an automatic bail hearing.

**BID believes that asylum-seekers and migrants in the UK have a right to liberty and access to justice, and should not be subjected to immigration detention. While detention exists, it should be sanctioned by a court and time-limited, and detainees should have access to automatic bail hearings with publicly-funded legal representation.**

“It would not have been possible without you all. Thank you to you and all of BID. Thank you for putting all the evidence together and fighting all the points made by the UKBA. I will always be grateful.”

## What does BID do?

We challenge immigration detention in the UK through the provision of legal advice, information and representation on bail alongside research, policy, advocacy and strategic litigation. We do this by:

- Providing free information and support to detainees to help them exercise their right to liberty and make their own bail applications in court
- Preparing and presenting free applications for release on bail or temporary admission for some of the most vulnerable detainees
- Carrying out research and using evidence gathered to push for changes in policy
- Influencing decision-makers, including civil servants, parliamentarians and the judiciary through policy advocacy
- Raising awareness and documenting and publicising injustices through the media and with the general public
- Carrying out strategic litigation

# Highlights of the year

- **3,367** people provided with legal advice, information or representation
- At least **413** people released from detention with BID's support
- **43%** success rate in securing bail in represented cases
- **55** bail workshops or legal surgeries held in **6** detention centres attended by **1,282** people
- **2** research reports published
- **23** clients referred for Judicial Review or civil claims for unlawful detention
- **30** children reunited with their parents after BID secured their parents' release from detention
- **2** surveys conducted into legal representation in detention
- **4** consultation submissions prepared
- **6** presentations delivered

"In my case I learned a lot with advice from BID, like Section 4 bail address, what is a surety and what is expected from him, to represent myself at the IAC or to prepare my application for bail, temporary release/admission. I prepared a bail application myself 4 times, and am doing so as well for appeal against the UKBA deportation decision and cessation of my refugee status."

# Director and Chair's report

The dust had barely settled on the Legal Aid Sentencing and Punishment of Offenders Act 2012 which, at a stroke, removed immigration and human rights from the scope of legal aid, when the Ministry of Justice swiftly followed up with its 'Transforming Legal Aid' consultation. This document made it clear where the collateral damage would be and its intention to decimate legal aid further by stopping: "Immigrants who have barely stepped over the border, or may even be here illegally, qualifying for civil legal aid" (MoJ press release 'Making legal aid fairer for taxpayers', 9<sup>th</sup> April 2013). Proposals set out in the consultation document included denying anyone not lawfully resident in the UK access to legal aid as well as transferring the financial risk of legal advice on challenges to government decisions via Judicial Review to the lawyers preparing the case. BID, along with other lawyers and NGOs in the sector, submitted robust and detailed objections to these proposals. We're not however, holding our collective breath in anticipation of changing the government's mind.

In the meantime, our clients face a worryingly uncertain future. Our two surveys into legal representation in detention of 2012/13 tell the emerging story: in the first one of the year, 79% of respondents had a legal representative; in the second one of the year, just 43% did. 26% of respondents had never had a lawyer while in detention. And the waiting times to see a lawyer are going up – 29% had waited longer than 3 weeks to have their first appointment with a lawyer.

The number of detention spaces has increased over the last year to over 4,000 and the number of detainees held in prisons under immigration powers post-sentence has increased to 937. And a new detention centre has opened in a former prison.

Taken together, these are the most damaging changes I have seen in my 8 years with BID. And it is difficult to predict their full impact, other than that they will bring more suffering.

BID's challenge is to grapple with these changes – all of which affect our clients as well as our ability to deliver our legal casework to all that need it. We have tried to maintain our flexible approach by delivering a mix of workshops and legal surgeries, by delivering ad-hoc workshops in prisons, and providing written advice to prisoners

who approach us for assistance, at the same time as maintaining a limited representation service for the most vulnerable. We are hugely indebted to the barristers that represent our clients pro bono and our indefatigable and dedicated casework volunteers who work tirelessly to support legal staff to provide ever more needed assistance to vulnerable people in detention.

We are quite rightly renowned for the quality of our research and policy work which, in the last year, resulted in the publication of two new reports: our second report into immigration judge decision-making (*The Liberty Deficit*)-revealing that the immigration bail system which is supposed to operate as a proper check on the use of detention and act as a safeguard against unfair decision-making, is failing to do so; and the first ever research in the UK into families separated by detention (*Fractured childhoods: the separation of families by immigration detention*). The report presented evidence of cases in which the UK Border Agency repeatedly failed to safeguard children when making decisions to detain their parents, with appalling consequences for the children concerned. The cases of 111 parents with 200 children were examined for the research. Unbelievably, in 15 cases, the parents were deported or removed from the UK without their children.

In the light of all the external changes, going through our three-yearly strategic planning exercise was all the more important, if only to reaffirm that BID is still needed and has a crucial role to play. Part of the process involved reflecting on just how much had been achieved over the previous three years, and to try and equip ourselves as best we could to face an uncertain future. Our core objectives remained unchanged and the need for BID's work has become more urgent. The commitment to challenging immigration detention in the UK through high-quality legal casework, detailed evidence produced to challenge detention policies and practices remains and is as strong as ever. We know we make a difference – to individuals and at a strategic level - as you will see in the stories and achievements that follow. Heartfelt thanks to all who have contributed to these achievements – staff, trustees, funders, supporters, volunteers, other lawyers and NGOs working with detainees – the contributions that each and every one of you makes are vital as we face these daunting future challenges.



**Celia Clarke,**  
Director



**Rajeev Thacker,**  
Chair of the  
Board of Trustees

# Bail casework and outreach

Overall, BID's three offices in London, Oxford and Portsmouth provided support of some form, including one-off advice, telephone advice, workshop advice and representation to a total of 3,367 people during the year. 2,085 became clients. This represents yet another significant increase (26%) in the number of people in detention that we have assisted.

We prepared a total of 216 bail applications, 30 fewer than last year. This decrease was offset by the increase in numbers of people supported overall. Of the 216 cases prepared, 148 were heard in court, and 64 were granted bail – a 43% success rate, which is significantly higher than the national average from HMCTS official figures (for the period April 2012 to March 2013) of 34%. On two occasions in court, immigration judges commended the quality of BID's court bundles: (from the barrister's note: "IJ \*\*\*\* said that she was very impressed with the court bundle and wanted to thank BID for preparing such a well-prepared bundle").

We carried out a total of 55 bail workshops and/or legal surgeries (one-to-one advice) in six detention centres, attended by 1,274 individuals. Again, this is a slight increase on last year's total of 1,228. In addition to our workshop programme in immigration removal centres, we ran one-off workshops in three prisons: HMP Holloway, HMP Brixton, and HMP Peterborough. This was in response to the alarming increase in foreign national prisoners detained in prisons beyond their release date under immigration powers. We supported 35 prisoners through these workshops making a total of 1,309.

Of the individuals provided with support from BID and for whom we have been able to ascertain the outcome, 349 were released. Added to the grants of bail, at least 413 people were released from detention with BID's support.

## BID workshop and legal surgery attendee numbers as proportion of throughput in each IRC

	Entered during 2012	Number of people seen at BID workshops/legal surgeries	BID workshop/surgery attendees for year 12-13 as % of total throughput of people for the centre for whole of 2012
Yarl's Wood (368)	3535	325	9%
Harmondsworth (615)	2747	409	15%
Colnbrook (408)	4478	323	7%
Campsfield (216)	1964	128	7%
Dover (316)	2610	48	2%
Haslar (160)	277	41	15%

# Comments from clients who had attended workshops:

All the information is very useful to gain knowledge and access on what is available to all detainees.

The workshop was very helpful thank you.

I am happy

Continuing the workshop will be helpful.

I felt good and at ease when I got to talk to them because I was really worried before now I am better

BID is doing a great job in Yarl's Wood

I cannot make it better because it is already the best

I think everything on the workshop was very fine

I just want to say a big thank you for helping

Wish this help was available immediately one is detained

It has been helpful to me

It is good advice

Keep the standard of what you are doing. You are doing great. Well done!

I think it was very informative and cover all I needed to know about bail so it was complete

The visit was very useful and productive. Well done.

I would like BID every week coming to the centre and advising people very helpful

It was very good! Thank you so much.

## As well as from those we represented:

BID was so helpful to me and they call me every 2 days.

The follow up and care and concern from especially \*\*\*\*\* was excellent

Only wish I had contacted BID earlier

The barrister, she's really good

Good/very good. I am very happy with them.

Thanks everyone who helping me

Thanks to all the team especially \*\*\*\*\*

Well done and keep up the good work.



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## Examples of cases from our Oxford office

**AK**, a Lebanese national, had been living in the UK for over 22 years. In spite of his strong family connections (wife and three children, all British) he had been in immigration detention for over two years on a previous occasion, BID securing his release. The client was redetained due to some administrative errors and spent nine months in immigration detention until BID successfully obtained his release for the second time. The case has been referred to a solicitor for a potential civil claim for unlawful detention.

**NY**, from the West coast of Africa had a number of very complicated medical conditions and should never have been detained. The Home Office's own summary noted:

*'Mr Y has a few medical issues, these are currently being treated. He has regularly medical assessment of his Diabetes type2, Sickle cell disease, High Blood pressure, Blind in the Right eye and Hepatitis B'.*

In spite of this, the Home Office opposed release. After spending 13 months in detention, BID applied for bail for him whereupon he was immediately released by the Immigration Judge. BID referred his case to solicitors for his substantive immigration case as well as for an unlawful detention claim.

# Strategic Litigation

Our strategic litigation work consists of two elements: referral of cases for unlawful detention actions – whether civil claims or judicial reviews – and acting as interveners or providing witness statements when appropriate in particular cases focussing on immigration detention.

Twenty-three clients were referred for judicial review or civil claims for unlawful detention in the last year. Outcomes of previous referrals during the year include damages awarded of £63,500 for a mum separated from her son (£5,000 damages for the son) and £10,000 for a father who was separated from his young children and pregnant wife.

We were involved in just one intervention during the year. The case of **Abdi v United Kingdom (application no. 27770/08) 9 April 2013** reached the European Court of Human Rights. Mr Abdi was a Somali national who was kept in detention for more than three years pending his proposed deportation to his country of origin. It was alleged he was failing to cooperate with his own removal.

In our submissions in this case, we indicated that the effect of the Court of Appeal's decision of July 2007 in this case was to limit the power of domestic courts to review detention pending deportation. The Court held that Mr Abdi's detention from 3 December 2004 to mid-April 2007 was not lawful under domestic law because the regular reviews required by the Secretary of State's published policy on the detention of foreign national prisoners were not carried out. The Court held under Article 41 that the United Kingdom was to pay Mr Abdi 1,500 Euros in respect of non-pecuniary damages. It also awarded 7,000 Euros for costs and expenses.

In early 2013, BID provided a witness statement in a legal challenge to the Home Office's practice of using physical force when removing children and pregnant women from the UK, in the case of *R (on the application of Yiyu Chen and ors) v Secretary of State for the Home Department CO/1119/2013*.

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# Research, policy and advocacy to increase access to justice and challenge long-term detention

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Our research, policy and advocacy works hand in hand with our legal casework to tackle the barriers that deny our clients access to justice and address the factors which contribute to long-term detention. The main barriers to access to justice relate to the bail process itself, including the availability of accommodation on release, inadequate legal representation in detention, while factors which contribute to long-term detention include lack of travel documentation and/or 'co-operation' with re-documentation processes, mental health and the use of prisons as places of detention for foreign national time-served prisoners. One of the overarching themes for BID as an organisation has been legal aid and the last year has been particularly busy with two consultations on legal aid and the cuts to legal aid as a result of the coming into force of the Legal Aid, Sentencing and Punishment of Offenders' Act (LASPO).



**Tackling the barriers to access to justice:** At the heart of our work is the use of data from our research reports and evidence from our casework to underpin all our policy and advocacy, as well as our strategic litigation. So it was especially important to produce a new report, the result of months of research, into the bail process.

Our latest research on bail decision-making, published in November 2012: 'The Liberty Deficit: long-term detention and bail decision-making: a study of immigration bail hearings in the First-tier Tribunal', was the follow-up to initial research in 2010 ('A Nice Judge on a Good Day'). The research sought to examine whether the immigration bail system serves the needs of the long-term detainees who form the majority of BID's clients. The system must operate as a proper check on the use of detention and for this to be reflected in structures and safeguards that ensure fairness of outcomes. Our research showed that these safeguards are still failing and that, despite the implementation of new guidance for immigration judges, detainees continue to face an uphill battle in securing release on bail. We identified problems of disclosure of evidence by the Home Office to both the Tribunal and the applicant, as well as delays in Home Office providing accommodation on release, and much of our policy work since publication has been directed towards tackling these problems.

**Dealing with accommodation:** Without an address to go to on release, a detainee is unable to apply for bail. The Home Office provides accommodation to those who would otherwise be destitute. However, BID's clients have faced long delays in securing bail addresses from the Home Office. These delays are related to the administration of the application process, the risk assessment process involving both UKBA and Probation Trusts for detainees with a criminal conviction, and the procurement of accommodation under COMPASS contracts by UKBA's commercial partners. As well as collecting detailed information on the delays faced by clients and lodging complaints, we have produced briefing papers, and brought together the different parts of government responsible for the system functioning effectively. In early 2013, BID organised and chaired a meeting attended by representatives of the First Tier Tribunal judiciary, National Offender Management Service, London Probation Trust, UKBA Criminal Casework Directorate, and UKBA Section 4 operations and policy, in an attempt to identify steps that could be taken to reduce the high level of redundancy in the current system of checks given the bail grant rate, reduce the length of the bail cycle, and reduce time spent in detention prior to release on bail where it is granted. Information that we have gathered on delays is regularly provided to solicitors for potential litigation if necessary.

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# Research, policy and advocacy to increase access to justice and challenge long-term detention

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Continued

**Tackling risk and disclosure:** The Home Office routinely relies on assertions of risk of harm to the public on release, risk of re-offending, and risk of absconding to justify not only the initial decision to detain, but also the continued detention of foreign nationals, and to oppose release on bail. It is therefore crucial that, where up to date assessments of risk, prepared by criminal justice professionals working for NOMS, are available, this evidence is disclosed to all parties to decisions about release from detention, including the First Tier Tribunal and the bail applicant. BID's legal casework has repeatedly shown that this disclosure does not routinely take place, despite an agreement between NOMS and the Home Office for this to happen.

Following a number of meetings with NOMS managers, we wrote an internal briefing for legal managers entitled 'Immigration bail: factors to consider in complex and high risk releases'. This is designed to capture learning and share understanding of the factors involved in release on bail of detainees with complex cases such as those with severe mental illness and care needs on release, or high risk ex-offenders.

**Legal advice and representation in detention:** during the year we carried out two more of our six-monthly surveys. This is a one-in-four survey of all our clients across the detention estate. We also, for the first time, began to survey our prison-held clients who are now routinely being held in prison post-sentence under immigration powers and who, as a result, face unique and unacceptable difficulties in accessing immigration advice. We also met with the Legal Services Commission (now the LAA) to ask for better provision of immigration advice in prisons, including information for detainees and prison officers about how to find immigration legal advice providers, and to press for the removal of funding disincentives for potential providers of immigration advice in prisons.

**Key findings from the survey** revealed the following:

- the percentage of interviewees with a legal representative at the time of the survey had dropped from the beginning of the year to the end of the year (post legal aid cuts via LASPO) from 79% to 43%;
- of those who had a solicitor the percentage using a private solicitor had risen from 25% to 33% during the year;
- those with a legally-aided solicitor had dropped from 75% to 67%;
- Interviewees with no solicitor at the time of the survey had risen from 21% to 57%,
- those who had never had a solicitor had risen from 9% to 26%.

## Responses to 'How has not having a solicitor affected your immigration case?':

*My case was affected badly as I have no one to represent me.*

*It is very bad having no solicitor. They can do whatever they want with you.*

*So much evidence and I don't know what to do. Am afraid I could go back home where I could be killed.*

*I can't do anything without a solicitor, too many papers UKBA sends I don't understand them. I feel helpless.*

*Had a big problem. Paperwork is overwhelming. Don't understand a lot of the English. I don't have money. Don't know where I am going.*

## Mental health contributing to long-term detention:

Working in partnership with the Association for Visitors in Immigration Detention (AVID) we prepared a briefing paper on mental health in detention which was used in meetings with mental health charities to raise awareness of our concerns, and to brief the HM Inspectorate of Prisons about our concerns at the treatment of severely mentally ill detainees in detention. We also published, with the Immigration Law Practitioners' Association (ILPA) a briefing for the Department of Health on the legal basis for immigration detention and release from detention, and how this interacts with transfers under the Mental Health Act 2008.

Our policy work with the Home Office focused on:

- Information gaps and the need for the Home Office to collect data on mental health across detention and to standardise data collection on self-harm; routine publication of such data; healthcare needs assessments and resources allocation in the new DOH-led budgets
- Mental Health Act transfers, including standardisation of MHA transfer protocols and independent oversight of MHA transfers from IRCs.

# Legal Aid (cuts)

The full force of the LASPO cuts has yet to be felt, but an internal briefing document has been produced ('Ensuring best possible access to justice'), covering all areas of BID's work, including self-help materials, the delivery of immigration advice under legal aid, new delivery advice models and referrals, influencing and campaigning, and evidence collection. The intention is to ensure that BID staff and volunteers are able to help detainees get the best possible access to legal advice in the light of the cuts, whether that is through referrals, improvement of legal aid work delivery, public legal education and information for detainees.

We also submitted a comprehensive response to the 'Transforming Legal Aid' consultation which proposed a further round of legal aid cuts which, if introduced, would have a catastrophic effect on our clients. These, coupled with new provisions outlined by Theresa May in her forthcoming Immigration Bill, will make Britain a very dangerous place in which to be a foreign national in future.



# Other consultation responses and presentations

## We wrote submissions to the following consultations:

- Ministry of Justice consultation 'Transforming Rehabilitation – a revolution in the way we manage offenders' and foreign national offenders;
- Ministry of Justice: Proposed reforms to Judicial Review;
- Fundamental Review of the First Tier Tribunal – bail issues;
- Independent Chief Inspector of Borders & Immigration (ICIBI) thematic inspection of asylum support; ICIBI thematic inspection of travel documents and removal

## Presentations

We were invited to present at a range of different events during the year, including:

- 'Achieving change in immigration detention: the legal casework - advocacy - litigation approach' at an inter-disciplinary immigration detention seminar 'Supporting Immigration Detainees', 2013,
- A workshop for AVID members 'Legal advice in detention and what to do when it goes wrong' with Dover Detainees Visitors' Group (DDVG) aimed at helping volunteer visitors know how to help detainees. Almost 20 visitors and prison visitors' groups attended.
- On the panel at the SOAS conference 'A Future without immigration detention' 2013, at which we spoke on 'What are the strategic opportunities and risks of advocating for alternatives to detention?; we also ran workshops on BID's work.

# Separated families' project

**BID's separated families' project provides legal advice and representation to parents separated from their children by being held in immigration detention. Alongside the legal casework, we carry out research and advocate for policy change, principally with civil servants and politicians, with the strategic aim of ending the separation of families for immigration purposes.**

**Legal casework:** BID's family legal team supported 113 parents during the year, with a total of 163 children. 67 bail applications were prepared, 19 of which were withdrawn. Out of the 48 that were heard, 17 were bailed, with two representing themselves and being bailed with BID's support. A further 17 clients were granted temporary admission (TA) and 15 were granted bail by other means. 18 clients were removed from the UK. 30 children were reunited with their parents having been represented by BID.

The team also provided legal support to two pregnant women – one had a solicitor and was granted bail, the other client was represented by BID twice and granted temporary admission at the second application.

“The BID they was so helpful to me and they were calling me every day”

## Case studies

AC was in immigration detention for 9 months, having previously served a prison sentence. AC has a child and partner in the UK. BID applied for bail twice for him. During his detention, AC was diagnosed with cancer but did not receive adequate medical care. AC had four hospital appointments scheduled to treat the cancer but was not taken to any of them. On each occasion, transport problems were cited as a reason for the failure to take him for his treatment. So in effect, the cancer was left untreated for six months. There was no mention of AC's cancer in any of the immigration documents.

In a desperate measure to seek urgent assistance, AC commenced a hunger strike in the 8th month of his detention. BiD represented AC in a bail application on the grounds that the length of the detention was far beyond the recommendations in the 'Bail Guidance' for Tribunals, that AC had a family life and suffered from a serious illness which had not been treated. In granting bail, the Immigration Judge raised concerns about the Home Office's failure to allow AC treatment for the cancer. AC was eventually granted bail and is now continuing his substantive immigration case and receiving treatment for his cancer. He has been referred for a civil claim for unlawful detention. AD was in immigration detention for four months before being granted bail in the first application that was submitted by BID. AD has three children and a partner who are all British citizens.

AD is HIV positive and needed to be on 'salvage therapy' which was not being provided in immigration detention. His condition had rapidly started to deteriorate and he began coughing blood and passing blood in his urine. The Immigration Judge agreed with BID's submissions that AD's health would continue to deteriorate if kept in immigration detention and that the Home Office's own policy dictated that AD be released. Furthermore the judge agreed that AD had strong family ties in the UK and the welfare of his children had not been adequately considered by the Home Office. AD also had an ongoing immigration case and was therefore extremely unlikely to abscond. Upon release AD was immediately reunited with his three children and partner.

# Research, policy and advocacy, families' project

**In April 2013, BID published 'Fractured Childhoods', the first UK study on the separation of families by immigration detention. The report examined the cases of 111 parents who were separated from 200 children by immigration detention. It revealed that the Home Office repeatedly failed to safeguard children when detaining their parents, with appalling consequences for the children concerned. In 92 of the cases the parents were released, their detention having served no purpose. And shockingly, in 15 cases, parents were deported or removed from the UK without their children. In one of these cases, the Home Office made no attempt to find out whether the two children were in a safe care arrangement before deporting their single parent father.**

Maggie Atkinson, the Children's Commissioner for England, and Lisa Nandy MP, Shadow Children's Minister spoke at the report's parliamentary launch, which was attended by over 100 people. The report was covered in outlets including Community Care, Children and Young People Now, Politics Home and Politics.co.uk, and by popular blogs including Migrant Rights Network and Free Movement. BID wrote blogs on the research for Open Democracy and Liberal Conspiracy, and it was widely tweeted. Several parliamentarians were briefed about the report's findings; six parliamentary questions were asked by MPs and peers on the issue and several MPs wrote to the Minister raising their concerns. We have held meetings with key influencing targets including Andrew Stunnell MP, who is leading the Liberal Democrat policy review for the 2015 election, Baroness Hamwee, the Liberal Democrat spokesperson in the Lords, and the Independent Family Returns Panel. We have also attended parliamentary events where we have raised the issue of separated families, providing evidence from the report.

**New immigration rules:** the new set of immigration rules that Government laid before parliament last June fail to take into account the need to consider children's best interests when making decisions to deport parents. In the last year, BID produced five briefings for parliamentary debates relating to the separation of migrant families. The evidence we provided was put to good use - for example, in a debate on 23rd October 2012, BID's work and the issue of family separation were cited by Baroness Lister, Lord Avebury, and Baroness Hamwee. More recently, issues we briefed on were picked up by Lord Judd in a debate on 4th July 2013. In the Queen's Speech, the Government outlined its intention to enshrine aspects of the new Immigration Rules in primary legislation in the new Immigration Bill, and we intend to carry out further lobbying work when this Bill is published.

We used data from our report to persuade Home Office officials to make a number of changes to guidance on separated families, to which they agreed following our input. We also drew on our research findings in consultation responses and briefings for parliamentarians, regulators and international bodies.

"I just want to thank you and your entire team for the great work you are doing. May God bless you all. I was so impressed in the way and manner the barrister you instructed to represent me presented my case before the judge. Though I did not get the bail due to the lack of reasonable sureties, I will by God's grace make sure I have sureties ready for my next bail hearing. Thank you very much for the great work you are doing."

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# Detention of children

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Despite the government's commitment to ending the detention of children in 2010, children are still being detained even though in much smaller numbers and for very limited periods. Through our Research and Policy Manager's role as Chair of the Refugee Children's Consortium (RCC) detention sub-group, coordinating joint work on child detention with over 30 refugee and children's charities, we monitor the situation and lobby for changes in policy. This work included:

- Writing the RCC's response to the Home Office's consultation on the Operating Standards for the new detention facility for families
- Meeting John Vine, the Chief Inspector of the UK Borders and Immigration, to discuss work which it would be helpful for him to carry out following his 2010 report on family returns.
- Raising concerns by letter and in a meeting with the Chair of the Family Returns Panel after the publication of their annual report, in particular regarding their recommendation to detain more children.
- Raising concerns with the Home Office about problems families were experiencing in accessing legal advice.



"Thank you so much for your two excellent talks yesterday – I very much enjoyed hearing your viewpoints and experiences, and will continue to follow BID's superlative work with interest."

"Trust me when I say, you have given me hope in my darkest hours and you didn't just stop there, you enabled me with tools to get myself out of that despair. For this I will always be grateful!"

# Sincere thanks to our funders for their loyalty

Oak Foundation  
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AB Charitable Trust  
Volant Charitable Trust  
Evan Cornish Foundation  
Cole Charitable Trust  
Network for Social Change  
Comic Relief

“To be honest, in detention, when people mention about BID, they are helping people, taking them out from detention. They’re fighting for people. As a small charity they are doing that, understand? I told you about my friend, BID took him to court and then he get released. He is asylum seeker. He has been to prison before going to detention. He has been there for almost nine months, understand? He can’t see his wife outside and the kid, understand? But still they keep him. But finally he is having a solicitor, a legal aid one. But it’s BID who take him out of detention. Understand? So, to be honest, people are asking help from you and you are advising them, because not all people you taking to court. Sometimes you advise them and guide them with their case to go to court. Which is really, really helpful and sure we are all thanking you people working at BID as well. Honestly.”

**From an interview:**

# The staff, trustees and volunteers

## The staff, trustees and volunteers

### Trustees

Rajeev Thacker (Chair), John Bingham (Treasurer, resigned 20/02/2013), Liz Barratt (Vice-Chair), Laura Bowman, Maggie Pankhurst (Treasurer from 21/02/2013), Chris Tully, Katharine Sacks-Jones (appointed 08/08/2012).

### Staff

Sarah Campbell (Research & Policy Manager), Celia Clarke (Director), Ionel Dumitrascu (BID Oxford Manager), Matthew Duncan (Legal Manager), Elli Free (Legal Manager, Families Project), Pierre Makhoulf (Assistant Director), Iqvirinder Malhi, (Legal Manager, maternity leave cover), Frances Pilling (BID South Manager), Natalie Poynter (BID Oxford Manager), Silke Schroder (Legal Manager, on maternity leave), Adeline Trude (Research & Policy Manager), Kamal Yasin (Office & Finance Manager).

### Volunteers

**BID London:** Tony Goodfellow, Targol Jahanbakhsh, Toomaj Karimi-Ayoubloo, Nicholas Beales, Shoaib Khan, Humaira Iqbal, Melissa Ong, Mark Allison, Nicholas Sadeghi, Raza Akhtar, Andy Jamieson, Shabia Sikdar, Sara Saleh, Gordon Fotherby, Liam Carmody, Julia Crellin, Adnan Qadri, Nataliya Petlevych, Ben Monro, Nasrat Sayyad, Raza Akhtar, Charlotte Mathysse, Shabana Saleem, Sophie Miller, Sajid Suleiman, Helene Thiem, Reihane Bawar, Maryam Zakria, Emerald Southern Darbar, Grace Allen, Ubah Dirie, Rebecca Kuehler, Anna Borger, Samir Pasha, Jade Ollivierre, Juan Hogley, Zainab Lantan, Omar Suleiman, Anosha Saleem, Tom Nunn, Hannah Richards, Steffen Kuessner, Dorothea Baltruks, Yahya Alsulaim, Youngeun Koo.

**BID Oxford:** Gill Baden, Sara Davidson, Catherine Kennedy, Maxine Hedworth, Aileen Mooney, Mazharul Karim Mustafa, Angharad Thomas, Amy Neale, Sahara Fergus –Simms, Tom Phillips

**BID South:** John Bingham, Mary George, Michael Heaps, Sue Mullan, Lia Deyal, Sima Keshavarzi, Hawwa Webber, Ruramayi Madzingira, Jennis Slater, Marilyn Miles, Rosy Bremer, Selam Desta, Daisy Watson, Tertius Alberts, Emma Foley, Kate Adams (Dover), Peter Keenan (Dover)

## We would like to thank all the barristers who provided their services to our clients pro bono:

Francesca Delaney, Anna Watterson, Gwawr Thomas, Siobhan Lloyd, Greg Ó Ceallaigh, Gemma Loughran, Eleanor Claire Hutchinson, Andrew Gilbert, Marisa Cohen, Daniel Sills, Catherine Robinson, Harriet Short, Priya Solanki, John Crosfil, Michelle Pratley, Jack Anderson, David Loveday, Philippa Jackson, Ned Helme, Ben Tankel, Anabella Lee, James Potts, Heather Emerson, Paul Harris, Michelle Knorr, Alasdair Mackenzie, Andrew Burrow, Alison Pickup, Alex Gask, Ben Silverstone, Jane Elliott-Kelly, Catherine Meredith, Thomas Stoa, Val Easty, Stephen Knaffler QC, David Jones, Anthony Vaughan, Raza Halim, Kirsten Heaven, Ronan Toal, Claire McGregor, Navita Atreya, Duran Seddon, Patrick Lewis, Irena Sabic, Navtej Ahluwalia, Helen Foot, Bryony Poynter, Connor Johnston, Owen Greenhall, Leonie Hirst, Thomas Stoa, Frances Trevena, Ali Bandegani, Maria Moodie, Tessa Buchanan, Paul Clarke, Ifeanyi Odogwu, Maria Moodie, Philip Nathan, Richard Mobbs, Althea Radford, Rowena Moffatt, Claire Litchfield, Allan Braddock, Emma Daykin, Eric Fripp, Justine Fisher, Bojana Osanovic, Ellis Wilford, Keelin McCarthy, Sandra Akinbolu, S. Chelvan, Raphael Jesurum, Gordon Lee, Victoria Laughton, Jamil Dhanji, Maryam Mir, Julia Gasparro, Matthew Fletcher, Shivani Jegarajah, Mehvish Chaudhry, Sarah Pinder, Kezia Tobin, Iain Palmer, Samina Iqbal, Claire Physsas, Colin Yeo, Amanda Walker, Catherine Osborne, Bijan Hoshi, Richard Reynolds, Bronwen Jones, Jesse Nicholls, Frances Trevena, Naina Patel, Philippe Bonavero, Tim Potter, Dr. Pavlos Eleftheriadis, Hermione Williams, Hashi Mohamed, Priya Solanki, Sara Anzani, Raj Desai, Kirsten Sjøvoll, Sarah Hannett, Joanna Buckley, Grainne Mellon, Sarah Parkes, Simao Paxi-Cato, Rebecca Filletti, Emily Wilsdon, Jennifer Thelen, Afshaan Hena, Justin Leslie, Russell Fraser, Adam Payter, Camille Warren, Rory O’Ryan, Lucy Mair, Marian Cleghorn, Tom Royston, Shazia Khan, Rebecca Pickering, Tara Wolfe, Tasaddat Hussain, Stephen Broach

## Thanks also go to the following barristers for offering us their help and advice:

Michael Fordham QC, Raza Husain QC, Tim Buley, Laura Dubinsky and Alex Goodman

## As well as to the following solicitors for their help and advice:

Bhatt Murphy Solicitors: Mark Scott, Jane Ryan, Janet Farrell, Hamish Arnott, Jed Pennington

Deighton Pierce Glyn Solicitors: Sue Willman, Louise Whitfield, Fiona Couzens, Charlie Dobson, Anne-Marie Jolly

Wilson LLP: Kay Everett, James Elliott

Allen & Overy LLP: Andrew Denny, Sophie Orr, David Stranger-Jones, Helen Richards, Jake Lee

Kahiye Alim

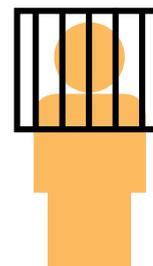
# Statement of Financial Activities

For the year ended 31 July 2013

	Restricted Funds £	Unrestricted Funds £	2013 £	2012 £
<b>Incoming resources</b>				
<b><i>Incoming resources from generated funds:</i></b>				
<i>Voluntary income:</i>				
Donations and grants	-	340,985	340,985	348,601
<i>Activities for generating funds:</i>				
Investment income	-	2,813	2,813	2,718
Other income	-	1	1	40
<b><i>Incoming resources from charitable activities</i></b>	218,949	-	218,949	225,865
<b>Total incoming resources</b>	<u>218,949</u>	<u>343,799</u>	<u>562,748</u>	<u>577,224</u>
<b>Resources expended</b>				
<b>Costs of generating voluntary income</b>	-	14,552	14,552	17,936
<b>Charitable expenditure:</b>				
Right to liberty	46,133	41,726	87,859	76,578
Bail casework	73,422	159,328	232,750	250,372
Families project	37,870	37,289	75,159	94,022
Research and policy	53,210	61,189	114,399	119,502
	<u>210,635</u>	<u>299,532</u>	<u>510,167</u>	<u>540,474</u>
<b>Governance costs</b>	-	19,482	19,482	18,369
<b>Total resources expended</b>	<u>210,635</u>	<u>333,566</u>	<u>544,201</u>	<u>576,779</u>
<b>Net incoming resources</b>	8,314	10,233	18,547	445
<i>Reconciliation of funds</i>				
Total funds, brought forward	21,497	169,534	191,031	190,586
<b>Total funds, carried forward</b>	<u>29,811</u>	<u>179,767</u>	<u>209,578</u>	<u>191,031</u>

# Balance Sheet

As at 31 July 2013



	2013		2012	
	£	£	£	£
<b>FIXED ASSETS</b>				
Tangible assets		233		349
<b>CURRENT ASSETS</b>				
Debtors	8,155		17,081	
Cash at bank and in hand	341,489		269,987	
	<u>349,644</u>		<u>287,068</u>	
<b>CREDITORS: amounts falling due within one year</b>				
	<u>140,299</u>		<u>96,386</u>	
<b>NET CURRENT ASSETS</b>		209,345		190,682
<b>NET ASSETS</b>		<u>209,578</u>		<u>191,031</u>
<b>INCOME FUNDS</b>				
Unrestricted funds		179,767		169,534
Restricted funds		29,811		21,497
		<u>209,578</u>		<u>191,031</u>

“The Minister will know from his previous incarnations that organisations such as BID and ILPA not only have a good track record in their field but they are the only ones that will stand by the most vulnerable groups in society, such as refugees and the homeless. I would go further than that. In the absence of government, they are effectively the government in their particular field in that they may be the only service-providers available. Of course, one of these services is legal aid. ”

Earl of Sandwich, House of Lords’ debate on legal aid cuts

“Special thanks for the help and support you are giving me in this difficult situation. Now I feel better and have more confidence.”



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Immigration  
Detainees

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