ANNUAL REPORT 08

Challenging immigration detention
in the United Kingdom

BiD Bail for Immigration Detainees

"70% of the public think people should not be detained unless they have committed a crime or are a risk to society." Research carried out by Independent Asylum Commission during May 2008

OUR MISSION

BID is an independent charity that exists to:

- Improve access to bail for all immigration detainees.
- Lobby for detention to be subject to regular independent, automatic judicial review.
- Work towards an end to arbitrary detention in the UK.
- End the detention of families with children.

OUR ACTIVITIES

- 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 detainees.
- Carrying out research and using evidence gathered to campaign to end arbitrary detention.
- Documenting and publicising injustices we see.

BiD Bail for Immigration Detainees

CHAIR'S REPORT

Last year, when making my contribution to our annual report, I explained why I felt BID was well-placed to face the ongoing challenges in the field of immigration detention. Despite numerous organisational changes, I thought we had created a strong and flexible structure with clearly-defined aims, both reacting to the needs of our clients and making a real impact on policy.

I am pleased to say that my optimism was well-founded. Although we have seen the arrival and departure of staff members, this has occurred in the context of an overwhelmingly upward trajectory. We are the most financially secure we have ever been and have embarked upon a major project, in collaboration with The Children's Society and funded by the Diana, Princess of Wales Memorial Fund, where we are working towards ending the detention of children and families. Despite our relatively small size, it is plain to me that we are very much contributing to this project as equal partners. In addition, we have been able to obtain a substantial amount of quality media coverage for the issue and, as some of you will have seen, the New Statesman magazine has been involved in publicising the campaign.

We have also been instrumental in a significant venture designed to ensure that access to the courts is available to some of the most disadvantaged in our society. The habeas corpus project, which we have run in association with a small group of human rights lawyers, enables detainees to make a speedy application to the High Court to end their unlawful detention. It is troubling that a charity is reliant upon the goodwill and time of lawyers, who in turn have to utilise a power created in the 12th century for the benefit of monarchs, in order to obtain freedom for those detained without trial for many months and who are guilty of no offence. Nevertheless, the fact that we are operating in this particular field underlines the professionalism of the organisation and the fact that we are proving remarkably adept at devising imaginative solutions in order to pursue our fundamental aims.

It is perhaps worth reflecting upon these particular projects for another reason, for they demonstrate the extent to which BID has attained a level of importance in this field which is disproportionate to its size. I do not shirk from stating that this is something of which I am proud, for it means that we are better-placed to carry out our core functions of assisting, advising and representing detainees. Of course, the individuals who are most justified in feeling a sense of pride in BID's achievements are the staff and volunteers who contribute so wholeheartedly to our activities. I wish to give a special thanks to Celia Clarke, who has managed to successfully steer the organisation through yet more changes in personnel, while somehow managing to ensure that we were in budget surplus. Along with our two Assistant Directors, she has created a senior management team which would be the envy of many larger and more generously resourced charities. And the other individuals who are part of this endeavour, along with the trustees, have worked tirelessly throughout the year so that we have been able to support a greater number of detainees than ever before.

Our successes do not mean, however, that we are complacent. The seemingly limitless appetite of governments to legislate, in the search for so-called solutions to perceived problems of immigration and asylum, is breathtaking in its audacity. Organisations working in the field are called upon to engage with distorted policy-making and practice while preparing to deal with the next ill thought-out statutory framework. We are then required to fight a battle on several fronts, while continuing to assist individual detainees in asserting their rights. And we should not suppose that the deluge of initiatives in this field is somehow unrelated to the civil liberties of all of us; rather, I would suggest that the manner in which our clients are treated constitutes a manifestation of an increasingly illiberal attitude towards individual freedom. We need, therefore, to be alert when politicians attempt to persuade us that minor restrictions of fundamental rights are of no consequence, for such measures affect us all. An American president, nearly 250 years ago, argued that "there are more instances of the abridgement of freedom of the people by gradual and silent encroachments by those in power than by violent and sudden usurpations." Such a warning is salutary, and energy, commitment and powerful advocacy will be required to guard against the abuse of power. Fortunately, those involved in BID are well-able to display these qualities and I am confident that we will continue to play an important part in reminding our government that the continued use of immigration detention is perhaps one of the most iniquitous and disturbing abridgements of freedom in today's society.

Rajeev Thacker
Chair

"I couldn't thank your organisation more than I would thank God for keeping me alive. Without your (BID's) involvement in my case, I have no doubt that I would still be languishing in detention."

DIRECTOR'S REPORT

Detention damages all of us. It scars those who have been through it, it dulls those who maintain the system to the very real suffering of those they detain, it makes those of us who work within it feel ineffectual and helpless, and the acceptance of it as an integral part of a system which is supposed to afford people the opportunity of sanctuary is something to which no right-thinking individual should subscribe. And yet it seems to me that, as a nation we are sleepwalking our way into acceptance of a system which routinely deprives people of their liberty essentially for the convenience of the state.

The small but subtle changes over the past year are evidence of this - the normalising of detention so that increasing numbers of people are held indefinitely even though there is no immediate prospect of their removal fly in the face of the principle that detention should be a last resort. This practice pays no heed to the real damage done by depriving people of their liberty and freedom of movement. And it can only really be challenged through taking legal action against the state in the High Court.

Then there was also the announcement by the Immigration Minister of the intention to increase detention capacity, ample evidence that use of it is a cornerstone of immigration and asylum policy. As a result, BID has had its work cut out over the last year. Dedicated not only to providing advice and information to those who find themselves victims of the system so that they can challenge their own detention, but also to using its evidence to create pressure on government to think again, and abandon this repressive practice, BID has drawn attention to gaps between policy and practice, highlighted injustices, and has tried to ensure the government is held accountable for its actions in relation to detention.

It's hard to speak about successes in this context, as the real success for BID would be a complete end to detention for immigration purposes, save for in the most extreme circumstances, and yet we seem ever further from that overall goal. But we can proud of what we have achieved – more people than ever before were released from detention as a result of BID's support. This is amazing when you consider that the success rate for bail in the courts has dropped to an all-time low of 18%. And we have succeeded in equipping detainees with the tools to challenge their own detention, through our helpline, our self-help book, and the workshops we run in immigration removal centres. This is so important in an environment in which it is all too easy to feel a helpless victim of the system. It gives detainees the opportunity to do something for themselves.

Our income was up again for the third successive year and this has given us a measure of financial stability. Of course, when an organisation is grant-funded, as BID is, it is always subject to the vagaries of shifting donor priorities, but generally our donors are very loyal and, I believe, impressed with the quality of our work.

The pages that follow will, I hope, give you a flavour of the real achievements of our work, and will tell some of the stories of the people we support. And although life is bleak and unremitting for people in detention, we do know from what our clients tell us that BID's support shines a small light into their corner of darkness. I want to pay tribute to our staff and the dedicated selflessness of our volunteers who strive tirelessly in their quest for justice for those who ask us for help. Thank you all.

Celia Clarke, Director

"The Commissioner is concerned at the UKBA's public commitment to expanding the immigration detention facilities. He urges the authorities to consider the possibility of drastically limiting migrants' administrative detention and recommends, in the meantime, that a maximum time limit for administrative detention be introduced into domestic law." Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following visits to the UK, 2008

WHAT WE DO

Bail Casework

Across BID's three offices, caseworkers opened files for 1774 people. Most people were provided with support to prepare and present their own bail applications. We continued to take on bail cases ourselves for some of the most vulnerable, including families with children. We presented a total of 241 applications ourselves. Of these, 51 were granted bail. While this might seem low it is actually a higher success rate – at over 21% - than the overall rate published by the Asylum and Immigration Tribunal, which is 18%. It is difficult to provide precise statistics about the bail rates for those clients who received support from us as we do not always hear the results of their applications because detainees are often moved between the various detention centres and many clients are vulnerable to removal or deportation. However, we know that at least 179 detainees who either attended workshops, or received help from BID applied for bail themselves. A total of 143 who represented themselves were successful. In addition, 187 detainees were released on temporary admission, either as a result of BID's intervention, or their own request, following advice from BID. Thus, a total of 381 people were freed from detention over the last year, as a result of BID's work.

CASE STUDY

Ms S, arrived in the UK on a false passport, was convicted of possession of a false document, sentenced to 4 months imprisonment and recommended for deportation. She claimed asylum and was refused. She was detained in Yarls Wood Immigration Removal Centre in November 2006 because the Home Office alleged her removal was imminent, but she had no travel documents. She came to BID's attention in June 2008, having spent 18 months in detention. BID applied for bail for her, and she was finally released.

Right to Liberty

Our Right to Liberty project provides legal advice and information to immigration detainees on their right to apply for bail and how to exercise that right. The new self-help book, *How to Get out of Detention*, was printed and disseminated to all immigration removal centres. It was also translated into four other languages: Mandarin, Farsi, Arabic and French. Under the auspices of this project, we run workshops in four immigration removal centres (IRCs). During the last year, BID held regular workshops in Yarl's Wood, Dover, Haslar and Campsfield House, as well as quarterly workshops at Harmondsworth and a workshop in Colnbrook. In addition to workshops, advice sessions/legal advice surgeries were held at Dover, Campsfield House, and more recently with families at Yarl's Wood. A total of 671 people attended our workshops, and 115 attended our 25 advice sessions. These numbers are slightly lower than last year due mainly to the disruption of our twice-monthly workshops at Yarls Wood, which were stopped by the new centre management for a period of about three months until the UKBA intervened after discussions with BID's Director. Overall, however, a larger number of people were released from detention than last year. This is a major triumph in such a difficult climate.

Habeas Corpus Project

During the year BID housed and provided administrative support to the Habeas Corpus Project – an initiative by a group of solicitors and barristers to provide legal representation for immigration detainees to challenge the lawfulness of their detention. In January 2008, the Project launched its first legal case in the High Court, using the ancient common law of habeas corpus to challenge the indefinite detention of four Algerian men. The men had all been in immigration detention for between 14 and 18 months despite making every effort to return to Algeria. The judge found that the detention of all four men was unlawful, and ordered their immediate release. (*A et ors (R on the application of) v Secretary of State for the Home Department [2008] EWHC 142 (Admin)*) – and the case resulted in opportunities for BID to speak out about long term detention through media coverage and speaking slots to interested groups. Challenging long-term detention in the High Court is going to continue to be an important focus of BID's strategic legal work, through our own project – Judicial Review in Immigration Detention (JURID).

"BID are doing a fantastic job endeavouring to help the hapless in immigration detention. I am a living grateful beneficiary of their wonderful and relentless professionalism. God bless your staff."

Detained Families

Ending the detention of families and children together with support for families to challenge their detention continued to be a priority for BID. Casework support was provided to 42 families. Bail was applied for in 23 cases, as a result of which 8 families were either bailed or granted temporary admission. Thirteen families were supported with individual legal advice sessions. Five families were referred on to solicitors. It has been a challenge recently to provide families with support with bail, as the UKBA's current practice seems to be to detain families with removal directions already in place. Our experience is that bail is rarely granted to a family in this position, so we try to provide them with advice or referral if appropriate, and then take on their bail case if the removal directions are cancelled.

Case study

A mother and her two children (aged one and four) were detained ostensibly for the purpose of removal. The duty government minister authorized the continued detention of the family beyond 28 days, in spite of the fact that the one-year-old boy was assessed as unfit for removal by an independent medical practitioner. BID applied for bail for them, and the judge granted bail without any sureties as detention was clearly not justified as removal was not imminent. And yet this family had spent six weeks in detention.

RESEARCH AND POLICY

During the year BID continued to work on its three policy priorities: detained families, access to legal representation and the detained fast track. The principles underpinning the work were that it must be informed by the experiences of those we support through our casework and that, where possible, we work in collaboration with others to maximise our capacity to bring about change.

Detained Families

In November 2007, BID was part of an Asylum Rights Campaign delegation to brief European MPs from the Committee on Civil Liberties, Justice and Home Affairs. BID presented oral evidence from our case work about the damage done to children through detention and about the lack of evidence behind the government's policy to detain families.

"The plight of detained children remained of great concern. While child welfare services had improved, an immigration removal centre can never be a suitable place for children ….Any period of detention can be detrimental to children and their families, but the impact of lengthy detention is particularly extreme." Report on an announced inspection of Yarl's Wood IRC, HM Chief Inspector of Prisons, August 2008

Then in March 2008, we partnered Women for Refugee Women in their production of 'Motherland' at the Young Vic (BID's Assistant Director Policy is a member of Women for Refugee Women's trustee board). The play, performed by actors including Juliet Stevenson and Harriet Walter, tells the story of women and children detained at Yarl's Wood.

The last year also saw a visit to Yarl's Wood by the Children's Commissioner for England, whose report is still awaited. Prior to his visit, BID organised a meeting for the Commissioner's asylum policy advisor with organisations supporting families in Yarl's Wood. We also arranged for families to meet with the Commissioner during his visit.

Meanwhile the government has been heavily emphasising its commitment to pilot alternatives to detention for families with children. A ten month pilot based in Ashford, Kent, and operated by the charity Migrant Helpline ended in September 2008 after a lack of clarity in UKBA referral procedures meant that only 13 families had entered the scheme. BID visited the pilot as part of a delegation from the Refugee Children's Consortium (RCC) who later met with UKBA to discuss concerns about the pilot. RCC's research of the pilot shows not only that UKBA's referral mechanisms and evaluation criteria were flawed but that the framework for the pilot (whereby families were forced to move to Ashford or lose their support) resulted in some children exhibiting the same symptoms of distress and fear typical of many in detention . A further UKBA pilot is planned for Scotland and BID will be working though the RCC to ensure that the problems experienced at Ashford are not replicated. BID continues to believe that for many families who have been in the UK for a long time, removal is not appropriate or fair and that the regularisation of their status is the only reasonable course of action.

"The Commissioner is particularly worried about the serious reduction of legal aid provided to asylum seekers. Information on existing alternatives to detention measures, such as release on bail, and expert legal aid to all detained asylum seekers should be provided ex officio, as soon as the detention starts." Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following visits to the UK, 2008

Access to legal advice

BID met with the Legal Services Commission in May 2008 to voice specific concerns about public funding for bail applications, the LSC's duty detention advice scheme (providing 30 minutes free legal advice to people in detention) and the provision of legal advice to immigration detainees held in prisons. The meeting resulted in the LSC agreeing to produce and disseminate relaxed guidance on funding bail cases for publicly funded lawyers. We continued to use our membership of the AIT stakeholder group to raise concerns arising from our casework with the judiciary .

RESEARCH AND POLICY

Detained Fast Track

This year we concentrated on using our research findings from Yarl's Wood and Harmondsworth to lobby the government to review its use of the detained fast track in the light of our evidence that the process is unfair. We have coordinated our work with other stakeholders principally through ILPA's fast-track sub-committee (co-chaired by BID's Assistant Director Legal) and the Asylum Rights Campaign.

In February 2008, we were invited to present our research findings at the parliamentary launch of ILPA's publication 'The Detained Fast Track Guide: A Best Practice Guide'. Other speakers included the Chief Executive of the Legal Services Committee (LSC), the Law Society, and lawyers and barristers involved in fast track work. In March 2008, BID released a briefing paper drawing together our research to date and press released it on the one year anniversary of the introduction of the New Asylum Model, calling on the government to use non-detained options to assess asylum claims. In May 2008 we invited the UKBA's (now) Director of Detention Services to observe one of our workshops at Yarl's Wood which provided an opportunity for him to speak with detained women about their experiences.

We also raised our concerns about the DFT through UKBA's National Asylum Stakeholder Forum (NASF), and we were a vocal participant in day-long policy workshops UKBA convened about the DFT (February 2008) and about its procedures to screen cases for routing into the DFT (November 2007). We submitted detailed evidence based on our research findings in response to draft changes to UKBA's screening process and submitted affidavits in two judicial reviews to aspects of the detained fast track process. Along with ILPA, the Refugee Legal Centre and the London Detainee Support Group, we have challenged the Legal Services Commission's funding of legal representation for asylum appeals in the detained fast track through a 'letter before action' and remain in negotiation with the LSC on this matter.

"Celerity and quality of decision-making, especially in the complex field of refugee law and protection, are rarely a matching pair. Accelerated procedures that may lead to a reduction in quality of examination of asylum claims and of decision-making may not be regarded as efficient." Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following visits to the UK, 2008

"I think you are doing a good job with a degree of humanity. But I also believe a lot more could be done to find out how people in my situation really feel. There are too many horrible stories in here. Aren't all of us human beings I ask? People need to find out how we really feel."

Other policy work

Access to bail: video conferencing:

In last year's Annual Report we reported on the forthcoming introduction of video linked bail hearings and our concerns about this. In spite of our misgivings and the concerns raised, UKBA has over the past year rolled out the near mandatory use of video linked bail hearings across all but one detention centre in the UK. As neither UKBA nor the AIT had monitored the views of bail applicants on this change, BID wrote a questionnaire for bail applicants and their supporters which was disseminated by members of the Asylum Rights Campaign. The results were written up by BID's Assistant Director Policy and co-published with the Refugee Council as a research report in March 2008. BID believes that video hearings must only be used where detainees are consulted about their impact, informed about the process and given a meaningful choice between a video link and an in-court hearing. Follow up advocacy meetings with UKBA, the AIT and LSC have taken place to discuss the research recommendations and BID/Refugee Council have used knowledge gained from the research to write an information bulletin on video hearings for detainees which has been translated into eight languages.

Health issues arising from our case work

During the last year, BID wrote twice to the Director of Detention Services – first to raise concerns about the cancellation of outside medical appointments if detainees already knew the date; and second, about the charges levied by detention centres on detainees and their lawyers in order for them to access medical records. This was because costs varied dramatically even between detention centres run by the same contractor. In both these cases, this resulted in new Detention Services Orders being issued by UKBA, in the first example to ensure that outside appointments weren't cancelled, and in the second, that the charge was standardised across all detention centres. BID continues to argue that detainees should not be charged to access their own medical records.

During the year BID also briefed and/or provided access to consenting detainees for research conducted by

- the NGO Birth Companions into services for pregnant women in detention
- an academic at the London School of Hygiene and Tropical Medicine on access to health care in detention
- the Universities of Manchester and Liverpool on access to high quality primary care mental health services for hard to reach groups (including asylum seekers)
- a clinical psychologist into how women's experiences of detention impact on their adaptation to life in the UK following their release.

Consultation responses

During the year we have written detailed submissions to consultations on: the introduction of the European Procedures Directive; the Mayor of London's Draft Integration Strategy; Independent Police Complaints Commission oversight of UKBA enforcement functions; a draft Instruction to UKBA Asylum Intake Unit staff about routing cases into the detained fast track; UKBA's review of statistical information gathered on immigration; Ministry of Justice plans to extend the remit of the Freedom of Information Act; UKBA's code of practice for keeping children in the immigration system safe from harm.

We also prepared submissions to the European Committee on the Prevention of Torture and Inhuman and Degrading Treatment, and for the National Audit Office's review of the asylum system.

Media

BID has continued to use its knowledge and expertise to speak out in the media about the injustices which detainees experience. In the past year we have secured coverage of immigration detention in The Guardian, The Independent, BBC News, Radio 5 Live, Al Jazeera English, Voice of America, Psychologies Magazine, The New Statesman, BBC Radio Oxford, BBC Three Counties Radio, The Voice, Liberation, Radio 4, Colourful Radio and The Big Issue.

"I would like to say that I wish BID has a bigger resources and can be of help to more detainees. I just want to say thanks for your supervisions, reviews and other help and advice rendered to me."

BID OXFORD

BID Oxford supported 226 people during the course of the year, applied for bail 34 times and secured release for 11 – a very high success rate. Problems have been caused by the designation of the hearing centre for Campsfield House as Newport AIT. This has not only caused problems with travel for sureties and for barristers, but is a hearing centre which has low success rates for bail. With the help of Garden Court North Chambers and Broadway Chambers, we have begun to run cases for detainees held at Lindholme at Bradford AIT.

During the latter part of the year, we resumed running bail workshops at Campsfield House. These are always extremely popular and are often over-subscribed. The aim of the workshops is to provide general advice on bail. Where detainees have solicitors acting for them, we emphasise the fact that solicitors should be advising them on their options in relation to bail. If detainees do not have a legal representative, then we encourage detainees to make their own bail applications. The workshops also provide a useful insight into what is happening within the detention centre.

We also run follow-up advice sessions, where we actively encourage detainees who wish to make their own bail applications to come and speak to a BID advisor on an individual basis about their own case for bail.

From the information we have managed to glean on people who have run their own bail applications we have a record of 44 `DIY' bail applications lodged of which 8 were allowed.

We were inspected by the Office of Immigration Services Commissioner, as is routine, and are pleased to say that the report was good.

BID OXFORD

CASE STUDY 1

Mr M from Iran was detained for almost two years before finally being released from detention after a total of ten bail applications. This is a very sad case involving a family who were separated all this time as a direct result of immigration policy. Mr M was living with his British partner and their daughter. His partner was pregnant with their second child when he was arrested while reporting with his young daughter, and taken off to detention. His partner was living in Sheffield on benefits as a single mother. She wanted to act as surety but to do this she was expected to travel to Birmingham AIT to attend bail hearings. The hearing centre for Camspfield House then changed to Newport AIT, and again his partner would have been required with 2 small children to travel to Newport AIT. Logistically and financially, with two small children, this proved impossible. Her only support was her mother who suffered mental health problems and therefore could not be left with the children on her own.

The UKBA accused Mr M of failing to assist with the removal process, because he was unable to provide an original passport and/or original birth certificate. However, the UKBA knows that without these documents it is highly unlikely that the Iranian Embassy would grant a travel document to return to Iran. In spite of this, and the detrimental effect this was having on the family, they refused to release Mr M on TA and bail was refused in the courts.

In February 2008 BID Oxford arranged for Mr M's bail application to be heard at AIT Bradford, so that his partner in Sheffield would be able to attend more easily with the two children. Mr M also had another surety who drove all the way from Cambridge to act as surety. At this bail application BID was accused of 'shopping around', the application was refused, but the judge requested the Home Office to arrange for Mr M to be interviewed personally within the next 4 weeks at the Iranian Embassy. We also presented an extremely strong report from the family's social worker who was concerned that the enforced separation was causing a lot of stress, depression and suicidal tendencies to the mother.

Again the Iranian Embassy refused to grant a travel document on the grounds that he did not have an original passport or birth certificate. Mr M was finally granted bail at the next attempt, with stringent reporting conditions including tagging, which meant he had to spend a further 48 hours in detention.

The family, finally reunited, are still very committed to each other and their children, and are currently trying to get permission to marry from the government. However, Mr M's partner is still suffering as a result of the enforced separation. The solicitors are still fighting the case for the family to remain together in the UK.

CASE STUDY 2

Mr D from Kirkuk in Iraq was detained for 15 months. The government is unable to enforce removals to this part of Iraq. His solicitors lodged an application using current case law on the lawfulness of the removal to countries in a state of civil war. The first time we applied for bail for him, after 13 months' detention, it was refused. Mr D he was so upset that he could not eat. At the same time, there was a hunger strike at Campsfield House, Mr D was accused of being part of this and was moved first to Colnbrook and then Harmondsworth. He denied ever being part of the hunger strike. We then applied for bail again for him and month later and he was finally released. Since his release Mr D has been granted a further right to appeal against the decision to deport.

"My only comment is to say that I do appreciate the effort, time and assistance of everybody working with BID. I also want to say thanks for the attention we get whenever we call."

CASE STUDY 3

Mr D, from Sierra Leone, was detained for 2.5 months despite the fact that his Italian partner was pregnant with their first child. In December last year, enforcement officers entered his room and proceeded to assault his cellmate who was due to be removed that day. The applicant himself was also the target of aggression from the enforcement officers, who pinned Mr D to his bed with riot shields and was threatened that he would be choked, if he moved. Following this incident there was a riot at the centre concerned. As a result approximately 120 detainees were dispersed indiscriminately to other detention centres or prisons. Mr D was moved to a prison in Liverpool, but was not charged or arrested for any offence. After the riot, his partner found out that Mr D had been transferred to prison. On hearing this news she became extremely distraught and this brought on an early labour. Their baby son was born the next day. Mr D has subsequently been granted leave to remain in this country.

BID SOUTH

It has been a tough year and we are very concerned about the large numbers of people detained with scant regard to their individual circumstances and often for extreme lengths of time. The detention of foreign national ex-prisoners appears to have become automatic and without any real consideration being given to the risks of absconding, re-offending, or using alternatives to detention. The failure to consider release at the end of a prison sentence is often the last straw for family and friends who were waiting to be re-united. Relationships break down under the strain and sureties give up after making repeated appearances in Court. On top of the extra trauma this causes the detainee, they are also left facing the uphill battle of trying to gain release with no firm address or close ties that will support them.

We supported a total of 434 detainees using a combination of telephone advice, bail workshops and bail surgeries. Of these, 147 were removed from the UK, 98 were granted temporary admission or release, 9 were referred to other BID offices, 71 were bailed (31 by BID South and 14 represented themselves with BID support, 7 by solicitors). 17 others were released but we are not sure if they had solicitors or relied solely on what they had learned with BID. We have lost contact with 6, and 103 are still in detention.

We submitted a total of 146 bail applications ourselves – the AIT failed to list 17 of them, 38 were withdrawn (for a variety of reasons including sureties failing to show, NASS failures to provide addresses on time, applicants not produced, and video link breakdowns), and 91 went ahead (31 successfully, 60 were refused).

We have helped 108 more detainees this past year than the year before even though the number of applications listed has slightly decreased. We have been putting more efforts into applying for temporary release on behalf of detainees, encouraging them to do the same for themselves, and working with their solicitors, if they have them, to urge them to apply for release for their clients.

This approach appears to have paid dividends as there has been a significant increase in the number of detainees who have been granted bail (38, as compared with 12 the previous year). There has also been an increase in the number of successful requests for release on temporary admission made to the Home Office (98 this past year, as compared with 53 the previous year).

CASE STUDY 1

Mr A was an asylum seeker from Zimbabwe. His refugee status was revoked when it was discovered he had not told the Home Office he had been in the UK before. He had a settled address, strong support from family, and 2 good sureties. He also had an appeal outstanding and had been assessed as low risk to the public and of re-offending. At no time during his detention was he removable, due to the suspension of returns to Zimbabwe that was in place at the time. Despite having such a strong case for release the Home Office continually opposed bail and he was detained for 12 months.

CASE STUDY 2

Mr B is an Eritrean that we secured bail for. The Home Office refused his asylum claim and he claimed again in a different name. For this he received a prison sentence and 11 months in detention. The Home Office did all they could to deport him. We have since learned that Mr B has been granted refugee status after lodging a fresh asylum claim. Therefore, the criminal conviction he received and all the subsequent hardship he endured was a direct result of the poor quality decision made on his initial asylum claim.

CASE STUDY 3

Mr C is a Nigerian national whose claim was refused, but he was not aware of that until he lost his paperwork giving him the right to work and tried to get further papers from the Home Office. By then he was married to a British citizen and had a son. The marriage came under considerable strain and Mr C's mental health started to suffer. As a result he started to commit a series of petty offences, mostly stealing sweets from shops. He was detained following a short prison sentence, pending the making of a deportation order in October 2006. He came to our attention 8 months later. His wife found it hard as she had given up him ever being released or being granted leave to remain. We were finally successful with bail after several attempts in April 2008. He was re-detained for removal less than a month later despite having a Judicial Review in progress and we had to get him bailed again. He is re-building the relationship with his wife and son and a solicitor has made a fresh human rights claim. We wish them all the best.

"BID provided great help for the detain peoples liberation. I am very thankful to BID. Please accept my regards. Once again thank you."

STATEMENT OF FINANCIAL ACTIVITIES

SUMMARY INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31ST JULY 2008

	Restricted Funds £	Unrestricted Funds £	2008 £	2007 £
Incoming resources				
Incoming resources from generated funds:				
Voluntary income	22,750	228,790	251,540	236,169
Activities for generating funds:				
Investment income	–	6,037	6,037	4,397
Other income	–	1,100	1,100	–
Incoming resources from charitable activities	164,482	–	164,482	117,340
Total incoming resources	**187,232**	**235,927**	**423,159**	**357,906**
Resources expended				
Costs of generating voluntary income	800	7,804	8,604	8,370
Charitable activities				
Right to Liberty	39,460	21,028	60,488	57,337
Bail Casework	29,878	174,580	204,458	159,077
Detained families	43,364	7,443	50,807	45,313
Research & policy	66,529	1,455	67,984	65,314
	179,231	204,506	383,737	327,041
Governance costs	200	8,764	8,964	10,206
Total resources expended	180,231	221,074	401,305	345,617
Net incoming/(outgoing) resources	7,001	14,853	21,854	12,289
Reconciliation of funds				
Total funds, brought forward	17,953	63,079	81,032	68,743
Total funds, carried forward	**24,954**	**77,932**	**102,886**	**81,032**

THANK YOU

BALANCE SHEET AS AT 31ST JULY 2008

	2008 £	£	2007 £	£
Fixed Assets				
Tangible fixed assets		5,611		7,388
Currents Assets				
Debtors	3,559		5,926	
Cash at bank and in hand	119,861		77,225	
	123,420		**83,151**	
Creditors				
Amounts falling due within one year	26,145		9,507	
Net current assets		97,275		73,644
Net Assets		**102,886**		**81,032**
Income Funds				
Unrestricted income funds:				
Undesignated fund		77,932		63,079
Restricted income funds		24,954		17,953
		102,886		**81,032**

Full audited financial statements are available from Bail for Immigration Detainees, 28 Commercial Street, London E1 6LS

Our thanks to our funders

Lloyds TSB Foundation
Comic Relief
29th May 1961 Charitable Trust
Joseph Rowntree Charitable Trust
City Parochial Foundation
St James's Church Piccadilly
CAF America
Lankelly Chase Foundation
City Parochial Foundation
The Sigrid Rausing Trust
Sir Halley Stewart Trust
Cole Charitable Trust
Stephen Clark 1965 Charitable Trust
Christ Church Oxford
Volant Charitable Trust
Appletree Fund
The Network for Social Change
The Tudor Trust
Diana, Princess of Wales Memorial Fund
Jill Franklin Trust

And to the individuals who donated money to BID

THANK YOU

The staff, trustees and volunteers

Trustees

Rajeev Thacker (Chair), Elizabeth Barratt (Vice-Chair), William John Bingham, Teresa Hanley, Stephen John Meachem (appointed 21/04/2008), Laura Bowman (appointed 21/04/2008), Farooq Ahmed (appointed 21/04/2008), Dheepa Balasundaram (resigned 15/01/2008), Nicola Rogers (resigned 15/01/2008)

Staff

Celia Clarke, Sarah Cutler (left 09/07), Amanda Shah, Pierre Makhlouf, Rachel Newell (left 02/08), Thirukeswary Sreeganeshan, Emily Burnham (left 04/08), Rebecca Vanstone (left 12/07), Matthew Duncan, Sille Schroder, Natalie Poynter, Ionel Dumitrascu, Frances Pilling.

Volunteers

BID London

Valentina Azarov, George Gage, Tony Goodfellow, Raza Halim, Oliver Holland, Seema Kansal, Samuel Kihuga, Michelle Knorr, Han Lei, Bruno Min, Stephanie Motz, Adenike Omamogho, Jack Parry-Hughes, Ines Pitshuna Carlitos, Prakash Puchooa, Susanna Rickard, Katy Robinson, Tanya Roberts, Alexander Scates, Adeline Trude, Marijn van de Geer, Marion Walter, Alexis Wood

BID South

John Bingham, Patricia Bingham, Mary George, Michael Heaps, Jane Smith, Susan Mullan, Claire Seymour, Jean Christie, Nolan Dickman, Lia Deyal, Mike Brown (Haslar workshop assistant), Kate Adams (Dover workshop assistant), Eddie Barns (Dover workshop assistant), Natyra Avdiu, Vanessa Lond.

BID Oxford

Gill Baden, Maxine Hedworth, Caroline Roseveare, Amanda Walker, Clare Savory, Carla Armengou, Shanaka Jayasuriya, Cristina dos Santos, Nishat Nishat, Ian Gibson, Anna Wolmouth

The barristers who volunteered their time to represent BID clients in court (the majority through the Free Representation Unit in London)

Campbell Munro
Francesca Delany
Anna Watterson
Eleanor Claire Hutchison
Graham Denholm
Shauna Gillan
Gilda Kiai
John Crosfil
Alex Goodman
Shu Shin Luh
Alasdair Mackenzie
Alison Pickup
Sarah Hemingway
Seema Farazi
Greg O Ceallaigh
Sadat Sayeed
Jo Wilding
Livio Zilli
Kirsten Heaven
Alex Grigg
Rebecca Vanstone
Tim Buley
Anthony Vaughan
Paramjit Ahluwalia
Dinali Nanayakkara
Julia Gasparro
Margaret Phelan
Matthew Fletcher
Shivani Jegarajah
Sophie Train
Alexandra Porter
Abigail Smith
Tom Bradford
Surabhi Chopra
Mick Chatwin
Colin Yeo
Jenny Twite
Pete Morris
Nirupar Uddin
Vivek Jain

BiD Bail for Immigration Detainees

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IN MEMORY OF JANE WALEY

BID received its first legacy in 2008. Jane Waley left us a sum in her will, and also asked that, instead of flowers, mourners at her funeral should make a donation to BID. We were really touched, and it has made a small but significant contribution to BID's work. Born in Serbia in 1924, Jane moved to Britain when she was five. Winning a scholarship to Cambridge and graduating with a 1st class Honours degree in Archaeology and Anthropology were amazing achievements for a woman at that time. This period of her life began a life-long passion for stones, bones and people! In 1956 with the Russian invasion of Hungary, Jane began teaching English to refugee Hungarian miners in Stoke. These were the roots of a lifelong commitment to refugees. In 1960 she was at the forefront of a group which brought a stateless refugee family to live in Stoner, and much later she and her husband gave shelter to a family of Vietnamese `boat people'. This commitment remained with her, and her legacy to BID is a tangible example of this. We are really grateful to her.

"There should be an independent root and branch review of the detention of asylum seekers, from the starting point that it is appropriate only for those who pose a threat to national security or where there is absolutely no alternative to effect return." **Recommendation of the Independent Asylum Commission, Deserving Dignity, 2008**

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