

Challenging immigration detention in the United Kingdom

BAIL

IMMIGRATION
DETENTION

BiD Bail for
Immigration
Detainees

BID Annual Report 2009

Our Vision

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

Our Mission

BID is an independent charity that exists to:

- Challenge the use of immigration detention
- Improve access to bail for all immigration detainees
- Immediately end the detention of children and their families

Our Core Activities

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

"The great majority of immigrants, refugees and asylum seekers are not criminals and therefore should not be confined in detention centres like criminals."

Navanethem Pillay, U.N. High Commissioner for Human Rights

Chair's report

The plight of children and families in detention has made front-page news on numerous occasions this year. We should of course be wary of measuring the success of our activities by reference to column inches, bearing in mind the vagaries of media coverage. However, it is perhaps an indication of how far we have come that a wide-cross section of opinion, from across the political spectrum, supports the proposition that immigration detention of children is wrong. As research illustrates, the international experience is that such detention can indeed be ended without any impact on policies designed to deal with immigration control. Ironically, it is perhaps a fear of the mass media that has so far prevented the government from doing the only principled thing in this respect.

I have started my report this year with this example because it illustrates how some of the structural changes we have worked to implement are now leading to tangible benefits for those we assist. Our senior management team, headed by Celia Clarke, has worked tirelessly to provide the leadership needed to ensure that we have

been able to pursue our strategic and policy objectives whilst directly assisting those in need. All our staff, in the three offices, have devoted themselves to carrying out work of the highest quality. And I have been fortunate enough to have worked with trustees from a wide range of backgrounds who have brought a variety of skills to the organisation. All this has been done when the economic climate has been particularly unfavourable for charities such as BID, which do not rely on government funding at all.

In her report, Celia explains in more detail the activities we have been involved in this year, as well as our plans for the future. Space does not permit me to spend as much time as I would like highlighting all of them; but a few matters are worthy of particular mention.

In common with most organisations, we have a long-term plan so we have a clear vision as to our aims and objectives. But there is always a risk that such a plan does not keep pace with the needs of our clients or the views of those within the organisation. We accordingly decided, with the generous contribution of space and facilities by Allen and Overy, to hold a strategy day in order to discuss as many aspects of our activities as we could, with the ultimate aim of reviewing our strategic plan and bringing it up to date. Nearly all our staff and volunteers were able to attend and, gratifyingly, it was clear that we all shared a similar view as to our priorities and how we were to fulfil

our aims. Of course, we did not agree on everything; to do so would be unrealistic and probably unhealthy. But as with a similar project from three years ago, it provided a very important springboard for our future activities. I should also mention, in connection with this day, the massive contribution made by Celia to the success of the day.

The other significant event, from an organisational point of view, was our 10th birthday party. We were fortunate enough to be joined by those involved with BID, including our founder, Tim Baster. Above all, we were privileged to be able to hear the stories of some of the ex-detainees whom we had assisted. I am sure that all those who were present will have been moved by the understated but powerful way in which these individuals recounted their experience, as well as the hope and good-nature they displayed, despite having undergone such distressing ordeals.

Finally, I would also like to mention the extent to which we are becoming involved in court cases that have the potential to significantly impact upon government powers in relation to immigration detention. We are currently intervening in cases before both the Supreme Court and the European Court of Human Rights, and we are regularly contacted by lawyers who seek our involvement in yet more cases. Again, the fact that we have staff who are so able in the fields of law and policy means that we are making a real contribution to the debate.

I ended my report last year by expressing disquiet about the increasing illiberality of our government in the field of immigration and asylum. This particular concern is not limited to the United Kingdom; we only need to look at democracies all over the Western world in order to see how vulnerable individuals seeking to exercise fundamental rights are often treated disgracefully. Unfortunately, the position is unlikely to change very soon. The major economies of the world seem preoccupied with protecting their own positions whilst inequality and injustice increase. Yet there is undoubtedly an increasing unease, amongst large sections of many populaces, as to the complacency being exhibited by nation states. I see BID as playing an important role in this, both by continuing its core activities of assisting clients and agitating on policy, and by continuing to be a more general check on the exercise of unfair executive power. We are well-placed to do all this, and I hope that reading this report will encourage you all to play your own part.

Rajeev Thacker, Chair

BiD Bail for
Immigration
Detainees

Director's report

Founded in 1998 by a group of people outraged that people could be deprived of their liberty in the name of immigration control, BID was never designed to have anything other than a brief and glorious life – challenging detention until the practice was ended. And yet 2009 marked the tenth year of BID's existence as a charity. Those associated with it at the beginning never envisaged that it would still be around after ten years. But it is, and we chose to mark the occasion with an event bringing together all those whose efforts had sustained the organisation over the years, and just some of those who have been beneficiaries of its services. It was a sombre but uplifting occasion. Sombre because of the increase in the use of detention over the years, the lack of awareness within the general public, and the suffering of people who endure it; uplifting, because there have been some happy endings – people who had been freed as a result of BID's efforts and who now have status in this country and who have created lives for themselves after detention. And inspiring because of the resilience and graciousness of people

who spoke of their experiences, and the power of people standing up against something they believe to be wrong and speaking out. This refusal to accept the status quo, and to question, and to expose, has been a hallmark of BID's work throughout the decade.

The context in which BID works has changed dramatically in that time. More and more people are being detained, as the government has sought to be seen as tough on asylum and immigration using detention as a cornerstone of the system. The ever more stringent approaches to asylum decision-making and what is widely recognised as a culture of disbelief, as evidenced, for example, by the introduction of the Fast Track system of processing 'straightforward' asylum claims in detention, have had an impact both on the individuals concerned and in contributing to an increase in numbers of people detained. BID has sought to expose the illogic and injustice of a system that has no meaningful criteria for determining what is 'straightforward', gives people detained within it no time to prepare their case, and does not provide automatic legal representation for appeals. Two research studies BID carried out showing that the system was too fast to be fair and that the vast majority of detainees were unrepresented at appeal fell on deaf ears and the system has been 'successful' in denying most asylum applicants within it. Concerns about the Fast Track, about the mental and physical health impact

of detention on individuals and children, opposition to the detention of children under any circumstances, and access to legal representation for detainees have been themes that BID has taken up for challenge. Because the whole issue of immigration detention operates largely under the radar, it is very difficult to secure meaningful changes. And yet there have been some successes – all detainees now have access to 30 minutes free legal advice in all detention centres. This is not the same as legal representation, but it is a start. And detainees who need it are now entitled to Home Office-

provided accommodation to make a bail application. And there has been some limited official response to public outrage to the detention of children, in the establishment of government schemes piloting alternatives to detention for families. Although the poorly-conceived and poorly-executed pilot at Millbank was a missed opportunity, its creation was at least a signal of willingness to consider alternatives. Lessons learnt from Millbank, as well as lessons about what alternatives have worked well overseas, must inform the current alternatives pilot for families in Glasgow.

"I was very excited when I heard I got bail, I was very excited. I didn't believe, not really. I contacted my family, my friends by text to say 'I am released, I am released!' For all of them to know I am released today. I was very, very happy, and very excited. I still remember the day, after six months now, I remember the day, very in detail. I still feel I am enjoying the freedom now, I feel happy in the mind. So now when I walk I say 'after a long time I am walking'."

BID client released after more than three years in immigration detention

But it is perhaps for individuals that BID has made the most difference. At least 1,500 people have been freed from detention over the last ten years with assistance from BID. And many of them, too, now have permission to stay in this country, which makes their incarceration all the more tragic and wasteful. But we should not forget that those are the lucky ones and that many more, unable to get legal representation, have been removed from the UK and returned to countries from which they fled in fear. Their faces and stories continue to haunt us and provide compelling motivation to continue.

As we look back over the last decade, we can be proud of the impact that BID has had in challenging detention. Individuals who would otherwise have had no access to legal representation have been freed. Government has been challenged on gaps between policy and practice, and held to account in the courts for its actions. Important research has been carried out. And the general public has been made aware of the existence of immigration detention and its dreadfully damaging effects.

I want to recognise the contributions of all who have joined us along the way: staff, volunteers, trustees, funders, members and supporters. We salute you all – it has been at times a difficult, sad, frustrating, and sometimes rewarding journey, but we are stronger for it. The power of people working together is what changes things. Let's keep doing so.

Celia Clarke, Director

NATIONALITIES OF BID CLIENTS DURING 2009

Afghanistan	43	Eritrea	23	Mauritius	3	South Africa	11
Albania	3	Ethiopia	8	Moldova	2	Spain	1
Algeria	97	France	3	Mongolia	2	Sri Lanka	30
America	8	Gambia	30	Morocco	19	Sudan	21
Angola	18	Georgia	5	Mozambique	2	Tanzania	5
Azerbaijan	1	Ghana	55	Namibia	5	Togo	1
Bangladesh	19	Guinea	4	Nepal	1	Trinidad	5
Barbados	2	Guinea Bissau	1	Niger	1	Tunisia	5
Belarussia	1	India	77	Nigeria	238	Turkey	13
Benin	1	Iran	67	Pakistan	92	Uganda	23
Botswana	1	Iraq	70	Palestine	22	Ukraine	3
Brazil	3	Jamaica	98	Poland	2	Vietnam	9
Britain	4	Kashmir	2	Romania	1	Western Sahara	1
Burma (Myanmar)	1	Kenya	17	Russia	6	Yemen	1
Burundi	8	Kosovo	2	Rwanda	4	Zambia	1
Cameroon	26	Kuwait	3	St Vincent	2	Zimbabwe	59
Canada	2	Lebanon	2	Senegal	4		
Chad	1	Liberia	14	Serbia	2		
China	46	Libya	8	Sierra Leone	35		
Colombia	3	Lithuania	1	Somalia	47		
Congo (Brazzaville)	8	Macedonia	1				
Congo (DRC)	40	Malawi	14				
Côte d'Ivoire	9	Malaysia	2				
Cuba	3						
Czech Republic	1						
Egypt	4						
Ecuador	1						

Bail casework

BID's three offices provided support to 2,481 people held in immigration detention over the last year, a 44% increase on the year before. We prepared 248 bail applications ourselves but only 160 of them were heard in court, the others having to be withdrawn for a variety of reasons such as no Home Office accommodation being provided, problems with sureties, clients not being produced, problems with the newly-introduced video link hearings, removal directions being issued. Of the 160 cases heard, 43 were freed – an almost 25% success rate which is significantly higher than the success rates for bail overall in the Asylum and Immigration Tribunal. This is quite remarkable given that the cases BID does take on are usually very complex - many of the detainees have criminal records and have been in detention for a prolonged period of time. Of the detainees who, with BID's support, represent themselves, we can not say with any certainty how many go on to apply for bail, nor how many of those are successful, because we lose contact with many through their removal or deportation from the UK, their

release, or due to frequent moves around the detention estate. Of those we have maintained contact with, 153 people have been bailed, and 196 released on temporary admission. Thus the total number of people supported by BID and freed was 392 - again, an increase on last year.



Case study

Ms A is a Nigerian national. She was detained for 18 months. BID applied for temporary release and bail and she was released on bail. This was partly due to a psychiatric report which stated that Ms A was not fit to be detained. Ms A's health improved following her release, but she continued to experience ill health. Ms A was re-detained after three months for removal (which never took place). BID applied for bail and Ms A was released to Section 4 accommodation with one surety. Ms A was detained for a total of 20 months.

Case study

Mr B came to the UK as a minor in a lorry from India. He claimed asylum immediately, but was never age-assessed by social services. He lived alone on the streets until he was convicted for obtaining a false work permit, as he had no way to survive other than with the support of charities. Mr B was detained following his sentence. While in detention Mr B decided to go back to his home country and he applied for voluntary return, which was refused. BID applied for bail for him which was refused three times. BID also applied for temporary admission and wrote to the Home Office and High Commission on several occasions. Mr B was transferred between four different detention centres and had problems adjusting. His health deteriorated greatly after his prolonged detention and he became withdrawn and depressed. After 23 months in detention BID applied for bail a fourth time and Mr B was released with one surety and on reporting conditions. Mr B is still waiting for travel documents.

Right to Liberty

Our Right to Liberty work aims to reach out to as many people in detention as possible through its programme of bail workshops in detention centres, through dissemination of the self-help book, How to Get Out of Detention (now available in five languages) and what is now known as a 'DIY' pack. The book and the pack help detainees apply for bail themselves without a solicitor. This year we increased the number and frequency of workshops, conducting fortnightly workshops in Yarl's Wood, monthly workshops in Dover and Haslar (until the latter were suspended due to the absence of the Welfare Officer), and bi-monthly workshops in Harmondsworth and Colnbrook. BID Oxford provided individual legal advice surgeries instead of workshops in Campsfield House, supporting 74 people in this way. 862 people attended BID's workshops overall, another significant increase on last year. Feedback from workshop attendees was incredibly positive and demonstrated the real value attached to BID's support by detainees.

'We are sincerely very appreciative and thank you for all your help'

Workshop feedback



Judicial Review in Detention (JURID) project

Last year's report described our Habeas Corpus project, designed to challenge the indefinite, long-term detention of people who wanted to return to their countries of origin but were being kept in detention because of lack of travel documents. It is shocking that people are caught in this terrible limbo, incarcerated indefinitely despite co-operating with the travel documentation process because it is simply more convenient for the state to keep them there pending eventual removal. We were delighted at the successful outcome of a case brought to the High Court by the project, with the judge finding that the four men were indeed being held unlawfully and

should be released. During the last year BID has become even more concerned about the increasing number of people being detained for longer periods, and the difficulties of securing people's release on bail - immigration judges seem unwilling to grant bail, particularly in complex cases. Challenging detention through a bail process does not address the lawfulness of the detention. This is usually done through judicial review in the High Court, to which BID does not have access. So a decision was taken to establish the JURID project, building on the success of the Habeas Corpus project, which would identify cases where there was reason to believe that that person had been unlawfully detained through an arguable failure to follow policy or adhere to the law on the part of the Home Office, and to prepare those cases for referral onwards for a High Court challenge. We have developed strong links with solicitors and barristers who are keen to be involved and to take such cases forward. Over the last year a number of cases have already been referred and we hope that future judgments of unlawful detention and damages will set legal precedents for others in detention.

YARL'S WOOD

Total number of feedback sheets returned: 85

How useful was the workshop?

Not at all: 0 A little: 1 Useful: 19 Very useful: 62 No answer: 3

How easy was it to understand the trainer?

Not very easy: 0 Quite easy: 8 Easy: 19 Very easy: 41 No answer: 17

How interesting was the session?

Not interesting: 0 Quite interesting: 4 Interesting: 28 Very interesting: 52 No answer: 1

Has the workshop helped you to understand the bail process?

Not at all: 0 A little: 2 A fair bit: 16 A lot: 67

Will you apply for bail?

Yes: 69 No: 8 Not sure: 3 No answer: 2

If not, why?

Has removal directions: 2 Solicitor is applying for bail: 2 No case pending: 1
Focus on asylum case: 1

Did you know free legal advice was available in Yarl's Wood (DDA Scheme)?

Yes: 49 No: 36

Have you been to the DDA?

Yes: 5 No: 80 (this includes the people who did not know about the DDA scheme)

Which part of the workshop was most useful? (the number is higher than 85 as detainees can choose more than one option)

Introduction to the law: 24 Explanation of sureties: 33 Explanation of accommodation: 22
Filling in B1 form: 36 Explanation of what happens in court: 46
How to write a statement: 28 Other: 10 No answer: 3

Comments:

- more information about solicitors
- I would like more information about charities who offer sureties
- Useful information
- I liked 1-2-1 advice
- You are giving people something they have-I had no information before
- DDA mislead detainees
- very helpful in bailing
- People come into the centre everyday. It is advisable to run the work as often as possible before people start doing things or get dates and so forth. Thank you.
- Can we have more workshops or have someone based in this centre

HARMONDSWORTH

Total number of feedback sheets returned: 35

How useful was the workshop?

Not at all: 1 A little: 1 Useful: 14 Very useful: 19

How easy was it to understand the trainer?

Not very easy: 0 Quite easy: 2 Easy: 14 Very easy: 19

How interesting was the session?

Not interesting: 0 Quite interesting: 2 Interesting: 17 Very interesting: 15 No answer: 1

Has the workshop helped you to understand the bail process?

Not at all: 1 A little: 1 A fair bit: 16 A lot: 15 No answer: 1

Will you apply for bail?

Yes: 21 No: 11 Not sure: 3

If not, why?

2 x need to speak to my lawyer
My wife is going to make a human rights application
2 x I don't know

Did you know free legal advice was available in Harmondsworth (DDA Scheme)?

Yes: 18 No: 14

Have you been to the DDA?

No: 12 No answer: 23

Which part of the workshop was most useful? (the number is higher than 35 as detainees can choose more than one option)

Introduction to the law: 7 Explanation of sureties: 11 Explanation of accommodation: 4
Filling in B1 form: 5 Explanation of what happens in court: 13
How to write a statement: 10 Other: 1 All: 2 No answer:

Comments:

- I think it is useful
- Help people to write their application. Thanks a lot.
- Help for those who do not speak English. Unblocking of internet news sites.
- Please keep it up! Thank you very much.

Synthesis of workshop

COLNBROOK

Total number of feedback sheets returned: 19

How useful was the workshop?

Not at all: 0 A little: 2 Useful: 9 Very useful: 8

How easy was it to understand the trainer?

Not very easy: 1 Quite easy: 1 Easy: 9 Very easy: 8

How interesting was the session?

Not interesting: 0 Quite interesting: 4 Interesting: 11 Very interesting: 4

Has the workshop helped you to understand the bail process?

Not at all: 0 A little: 2 A fair bit: 7 A lot: 10

Will you apply for bail?

Yes: 18 No: 0 Not sure: 0 No answer: 1

Did you know free legal advice was available in Colnbrook (DDA Scheme)?

Yes: 7 No: 9 No answer: 3

Have you been to the DDA?

Yes: No: 2 No answer: 17

Which part of the workshop was most useful? (the number is higher than 19 as detainees can choose more than one option)

Introduction to the law: 3 Explanation of sureties: 1 Explanation of accommodation:
Filling in B1 form: 3 Explanation of what happens in court: How to write a statement:
Everything: 2 Other: 4 No answer: 6

Comments:

- grateful for their visit and help a lot
- Just need help to get out of here
- If you have a representative that would be helpful
- The immigration law is no good for human society. It's destroying people life. And I am asking immigration what are you going to tell God when he comes for his world.
- Would like to thank BID. Keep up the good work.
- We are sincerely very appreciative and thank you for all your help.

feedback forms

Legal interventions

In February 2009 BID wrote a witness statement in an unlawful removal case taken by Refugee and Migrant Justice to the High Court. The Court ordered that the government must return a man to the UK following his unlawful enforced removal to his country of origin. BID's statement attested to the non-disclosure of Home Office policies regarding detention and removal and was used to successfully argue that the man had been unlawfully removed because of a secret and unlawful policy. The man was later granted refugee status.

In March 2009 BID intervened in a case before the Court of Appeal brought by human rights group Liberty on behalf of individuals detained at Harmondsworth during a disturbance in November 2006. The Court found the government had acted unlawfully by failing to meet its obligations under the Human Rights Act to fully investigate events during the disturbance. Detainees reported being left in overcrowded, flooded cells without food, water or functioning toilets while fires burned in the centre. As BID's Assistant Director Legal commented in our press release of the case:

"We are delighted that the Court has underlined the government's responsibility to conduct independent investigations into allegations of maltreatment against immigration detainees. Today's decision sends a clear message that the government must be accountable for the actions of its staff and the contractors it employs in detention centres - any allegations of ill-treatment must be properly and independently investigated."

End immigration detention of children project

BID was awarded a grant by the Diana Princess of Wales Memorial Fund last autumn to scale up its work with children and their families held in detention, and to work in partnership with The Children's Society, a mainstream children's charity, to end the detention of children. Through a combination of legal and welfare casework (the latter provided by The Children's Society), research to evidence and strengthen policy positions, policy work with civil servants and advocacy with parliamentarians, alongside a public campaign (under the banner 'OutCry!' www.outcrycampaign.org.uk), we are jointly working to end the policy and practice of detaining children.

BID supported 79 families over the last year with legal advice and information. Of the 38 bail applications submitted, seven were granted bail. And four families were granted bail after either applying for bail themselves, or having a solicitor apply. BID also applied for temporary admission in ten cases, and overall, of the families we retained contact with, 27 were granted temporary admission, (sometimes as a direct consequence of the bail application even though bail was denied) and just 16 were removed. In spite of the Home Office's claim that families are only detained at the end of process, as a last resort, for the shortest possible time, and when their removal is imminent, our figures show that this is very far from the case, and we were able to state so clearly in press interviews and in our lobbying work. Of the 43 families BID worked with that were not split families (who are on average detained for much longer), the average length of detention was six weeks. One family was detained for 15 weeks and 14 families were detained for longer than two months.

BID also supported nine split families (families whose children were not detained but were separated from their primary care-giver by detention). Six bail applications were lodged for five such families, four of them being successful. Shockingly the average length of detention for these families was 30 weeks – over six months.

We ask all clients once they are released to give their feedback on BID's work. Feedback from families who have been supported by BID has been consistently positive. One mother who was detained with her 8 year old for nearly two months wrote to BID and said:

'Please keep it up. Don't get disappointed or discouraged. Families and especially children need your support in detention /prison. It was great to meet BID. They were there for us at the right time...'

As with BID's JURID work, the project is collecting evidence from its casework to demonstrate where the Home Office does not follow its own policies and procedures and does not act in the best interests of the child, so that these cases can be taken on by solicitors who will lodge judicial reviews.

The campaign work (OutCry!) has begun with the collection of information needed to make the case for change with government. Evidence from casework is being systematically documented, a literature review and an analysis of political debate on the detention of children have been carried out and, in

the light of the evidence gaps revealed by these reports, BID has embarked on research on whether or not families are detained as a last resort.

At the same time, we have been pressuring government to improve the data it collects and publishes on the detention of children. Lobbying through the Refugee Children's Consortium secured a commitment from the Minister in the House of Lords that civil servants would meet with BID and others in an effort to improve the quality of the statistics. UKBA's quarterly statistics update for May 2009 confirmed "A programme to improve statistics on people held in detention is underway. This will result in more statistics published, subject to data quality, in 2009. The programme of work will give a particular focus to detained children."

BID actively participated in workshops with UKBA policy makers and statisticians in November 2008 and May 2009 to improve data collection and helped secure agreement from the Agency to systematically collect and disclose statistics on age disputed minors in detention for the first time.

We have also been active in discussions on alternatives to detention. We jointly issued with The Children's Society an evaluation of the Home Office's alternative to detention pilot for families at Millbank, which we saw as a missed opportunity, and were widely interviewed

for newspaper articles, radio and television. And in July 2009 we organised a parliamentary meeting on alternatives to detention through the All Party Parliamentary Group on Refugees. Invited panel speakers discussed the Millbank pilot, the current alternative pilot in Glasgow and alternatives programmes in Australia.

We have been capitalising on other media opportunities to publicise our campaign including

- ▶ the publication of the 11 Million (Children's Commissioner for England) report on Yarl's Wood,
- ▶ a £150,000 compensation payout to a family supported by BID in detention whose eight year old developed post-traumatic stress disorder, and
- ▶ the publication of more comprehensive UKBA statistics on children and immigration detention.

Research and policy

During the year BID continued to work on its three policy priorities: detained families, access to bail and the detained fast track. The key principles of our policy work are 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.

In March 2009 we updated our three briefing papers on our policy priority areas and disseminated them widely to MPs, peers, regulatory authorities and think tanks. We added a new policy briefing in April 2009 on the impact of immigration detention in London and have used this in our work briefing the Greater London Authority. All BID's briefing papers and research reports are available from our website: www.biduk.org

"The Detained Fast Track process should be phased out because it is unfair, contrary to the spirit of the Refugee Convention, and can lead to unjust decisions."

Independent Asylum Commission

WORKING TO END THE POLICY AND PRACTICE OF DETAINING CHILDREN

Detained fast track (DFT)

During the year we have used evidence from our research reports about the fast track processes at Yarl's Wood (for women) and Harmondsworth (for men) to lobby the government.

We have continuously reiterated our concerns at meetings of the National Asylum Stakeholder Forum about the injustices caused by the DFT and cited our research evidence, which remains some of the only research conducted on the impact of the DFT on asylum seekers. This has included us speaking out in front of the Chief Inspector of the UK Border Agency in March 2009 and in July 2009 co-presenting (with the Immigration Law Practitioners' Association) the voluntary sector's concerns about DFT.

In March 2009 we submitted evidence to the Public Accounts Committee in advance of its evidence session with the Home Office's Permanent Secretary and UKBA Chief Executive. Our submission –

which highlighted the problem of long term detention and the unfairness of the DFT – was cited by the Committee in its questions, adding a human dimension to its focus on costs and efficiency.

We continue to be consulted as a source of expertise about the impact of the DFT. For example, we met with UNHCR during their Quality Initiative work on the fast track, we have been interviewed for a UNHCR commissioned piece of research on accelerated asylum procedures in Europe, and we have also been liaising with Human Rights Watch about research on the fast track at Yarl's Wood.

"The CPT is concerned by the rise in the number of persons being detained for lengthy periods in IRCs; in certain cases, it would appear that there was little prospect of the persons concerned being sent back to their countries of origin."

Report to the Government of the UK on the visit to the UK carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 8 December 2009

Access to bail

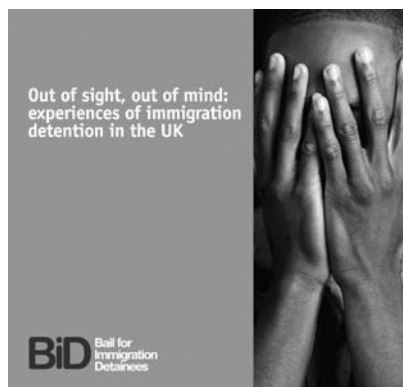
Video link bail hearings

Following advocacy around our 2008 research report with the Refugee Council on the impact of video link bail hearings, UKBA agreed to monitor the views of bail applicants to video link hearings through a standardised questionnaire. This was a key recommendation of our research. UKBA's questionnaire was modelled on the one used in our research and its findings confirmed that issues we raised remain unresolved, including the non-production of bail summaries. Our lobbying work on the results of the research is ongoing. In June 2009 we revised our information leaflet for detainees on video link bail hearings and through the Refugee Council it was translated again into eight languages.

Section 4

Following our success last year in lobbying for the government to provide all bail applicants with a bail address (known as section 4), we have continued to push for changes in the administration of this system for the benefit of detainees. In June 2009 the section 4 system changed to accommodate successful bail applicants in initial accommodation centres upon release before moving them to section 4 housing. This change means that letters granting a section 4 address to detainees no longer run out after 14 days but are valid until a detainee chooses to apply for bail – something BID has been lobbying for since 2007. BID has been consulted on new section 4 forms, guidance and process maps and we have successfully argued for change. For example, following intervention from BID, sureties are now no longer required to attend bail variance hearings when ex-detainees are moved from initial accommodation to their section 4 address, and split families released from detention into private accommodation are able to apply for section 4 to be reunited with their children without their caseowner re-assessing them for detention. We will continue to monitor the new system and press for a process that most effectively allows detainees to challenge their detention in court.

'Out of sight, out of mind: experiences of immigration detention in the UK'



In July 2009 at an event to mark our 10th anniversary, BiD launched its latest research report. The report was the result of interviews conducted with people we had supported in detention, asking them to speak with us about their experiences of detention and what it felt like to be detained. The testimonies contained in the report reveal the unacceptable human cost of immigration detention in the UK. At the launch, attended by 150 people, action letters to MPs were filled out and pegged to a washing line called 'The Freedom Line'. By the end of the evening the line was full of letters and more have been filled out online. They have been sent to MPs with copies of the report and BiD plans to use the report to highlight the hidden national scandal occurring in detention centres.

Consultation responses

During the year BiD has written detailed submissions to consultations on Immigration Appeals; the Equality and Human Rights Commission's three year strategy; the Joint Committee on Human Rights inquiry into children's rights; UKBA's new duty regarding the welfare of children; Oversight of the Immigration Advice Sector; the review of UKBA's Detention Services Order on charging for medical records; pre-legislative scrutiny of the Borders, Citizenship and Immigration Act 2009 by the Home Affairs Committee and the Joint Committee on Human Rights.

Speaking events

BiD has presented information about our work supporting immigration detainees at the annual conference of the Independent Monitoring Boards; the UKBA North West and Refugee and Migrant Forum Manchester Annual Forum; Asylum Aid's Women's Charter Detention and Removals Workshop; to a delegation of the European Committee on the Prevention of Torture; and to the UN Special Rapporteur on Migrants during his visit to the UK. Talks were also given to a range of small groups such as local Amnesty groups, and student groups.

Media

BiD has continued to use its research, law and policy expertise to speak out about the injustices we see in the media. As well as coverage of The Children's Society/ BiD alternatives to detention report mentioned above, in the past year BiD has engineered coverage of immigration detention in The Guardian, The Independent, The Times, The Independent on Sunday, The Observer on Sunday, Channel 4 News, Radio 5 Live, BBC Radio Leicester, BBC Radio Scotland, BBC Look East, BBC Radio Kent, BBC News 24, BBC News online, Heart FM, Sunrise Radio, The Morning Star, The Church Times, CYP Now, Community Care, Nursery World Magazine, The New Londoners, Financial News Online, Institute of Race Relations News, The Journal, The Tehran Times.

BiD was a partner in the "No place for children" campaign run by the New Statesman. 3,300 people signed the petition to end immigration detention of children which was sent to the Home Secretary. The campaign has since won an Amnesty Media Award 2009.

Regular policy meetings

BiD engages with a wide range of networks to promote its concerns and disseminate its information. It is a member of the Asylum and Immigration Tribunal stakeholder forum, UKBA's Detention User Group, UKBA's Detention User Group medical subgroup, UKBA's National Asylum Stakeholder Forum, the Mayor of London's BRIL Community Safety Forum, the Legal Services Commission's stakeholder group, the Refugee Children's Consortium, the Refugee Children's Consortium detention subgroup, the Asylum Rights Campaign, the Asylum Rights Campaign detention subgroup, and the Immigration Law Practitioners' Association Detention and Fast Track subgroup (which is convened by BiD's Assistant Director-Legal).

BAIL

BID Oxford

BID Oxford supported detainees in Campsfield House, Lindholme and the newly-opened Brook House. During the year we helped 267 people. We listed 41 bail applications, 10 of which were withdrawn, 10 were granted bail and 21 were refused. There were also enquiries from 23 people held under immigration powers in prisons and these people were also provided with support.

It proved difficult to get BID's programme of bail workshops up and running at Campsfield House, so as an alternative we provided individual legal advice surgeries. This gave detainees the opportunity to have one-to-one sessions with a legal adviser about how to apply for bail and to go through the detail of their case. These monthly advice sessions provided advice and assistance to 74 individuals. Some of those went on to represent themselves and were freed. We managed to keep track of 55 people supported by BID who represented themselves and of those, 9 were released on bail. We also applied for section 4 (Home Office funded) accommodation for 36 people. A number of cases were also referred on to other solicitors for representation.

Case study

Mr M, an Algerian national with a deportation order had been detained for 29 months when he approached BID on transfer from Dungavel in Scotland to Brook House. After just three weeks he was released on bail with no sureties and a section 4 address.

Our strategy was to convince the Immigration Judge that detention was disproportionate when there was no immediate prospect of removal of an undocumented Algerian national from the UK, given the current difficulties in obtaining travel documents from the Algerian Embassy. UKBA had continually asserted that the client was not co-operating with the process of obtaining travel documents. BID provided evidence in court that a travel document could only be issued to an Algerian national, on production of an original Algerian passport, original National Identity Card or original Military card with photograph.

"thank you for your help your service is wonderful." (detainee)

Case study

Mr K, a Palestinian and holder of UNRWA refugee status in Lebanon had been detained for 11 months for the purpose of deportation. His original Lebanese travel document had been held by UKBA since 1999. This man had already been refused bail 22 times. BID represented him and he was released on bail with no sureties and with section 4 accommodation. BID argued that his continued detention was not justified, given that UKBA had been unable to obtain a travel document. UKBA insisted that the document would be issued very soon, however, previous Immigration Judges had asked UKBA to provide an estimate for the length of time this would take and this had not been provided. BID also demonstrated that a Lebanese travel document for a Palestinian UNRWA refugee outside Lebanon would be difficult to obtain.

BID South

It has been another challenging year for us at BID South with even more complex cases and people being detained for longer than ever. However, buoyed up by the positive feedback we receive from detainees and thanks to the indomitable spirit of our team, our outcomes have remained consistently good.

398 new clients registered with us in addition to the 103 existing clients we already had at the beginning of the year, making a total of 501 detainees who have been supported using a combination of telephone advice, bail workshops and representation in court.

Of these, 165 were removed from the UK, 98 were granted bail and 61 were granted temporary admission. 149 detainees continue to be supported. Others we either lost contact with or were referred on. We know of two clients who have been granted refugee status. And one client has succeeded with an unlawful detention case in the High Court.

The Home Office continues to detain people without regard to the merits of their case or the effect the detention has on their personal life. Two of our clients were released following successful appeals against deportation from the UK

Case study

A. Entered the UK as a child aged 7 with his family and claimed asylum. The whole family were later granted indefinite leave to remain after a delay of 10 years. The strain on the family must have been enormous and A started to get into trouble as a teenager. The Home Office continued his detention and tried to get his successful appeal against deportation overturned. He was finally released after the High Court agreed his appeal decision would stand. He spent 11 months in detention.

Looking back over the past year, one project that was particularly successful was our Zimbabwean Project. We decided to target Zimbabweans because removals had been suspended following the deteriorating security situation after the election. There were seven Zimbabweans in Haslar and four were granted temporary release following our representations. A top class barrister from Doughty Street Chambers, the Canon

Theologian from Westminster Abbey plus a host of other good sureties and media interest from the Independent newspaper, helped to ensure the remaining three were granted bail on 13th August 2008.

Through the course of the year we have become increasingly concerned about the extreme periods of time that people are being kept in detention and the impact this has on their mental health. An example of this is C, a Jamaican national who has been detained since September 2005. He is currently in prison and the Home Office have refused to give a satisfactory explanation for that or send him back to an immigration removal centre. He is of course a lot less visible in prison, as it is so much more difficult to communicate with the outside world, including legal advisers. He has been incredibly strong given the length of time he has been locked up, but his mental health is now hanging by a thread. We have referred him to a reputable firm of civil action solicitors for help with a Judicial Review of his detention.

There are increasing numbers of cases where detention is arguably unlawful and we are doing all we can to help those people access civil action solicitors to assess the legality of detention and take cases to the High Court for judicial review where appropriate. Two cases have successfully been bailed by the High Court this year pending their judicial review hearings. We expect many more cases to take this route and we have referred 12 more detainees to solicitors for this work.

Case study

B. Entered the UK in 1999 as the husband of a British citizen. The marriage broke down badly, but he remained a good father to his children. This case also had to go to the High Court as the Home Office and the AIT did not properly consider his article 8 rights and the important part he played in his children's lives. He was granted leave and finally released from detention after 10 months.

Although the balance is shifting somewhat towards strategic litigation, we will continue to offer representatives for bail where we can and help the others to apply for bail themselves. So many detainees were successful with their own bail applications this year and a good deal of the credit for that goes to our volunteers who selflessly gave of their time and our new deputy manager Sophy who is already an indispensable member of the team.

"The service was excellent, top notch, keep up the good work guys." (detainee)

Financial information

SUMMARY INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31ST JULY 2009

	Restricted Funds £	Unrestricted Funds £	2009 £	2008 £
Incoming resources				
<i>Incoming resources from generated funds:</i>				
Voluntary income	31,327	161,215	192,542	251,540
Activities for generating funds:				
Investment income	-	4,147	4,147	6,037
Other income	-	408	408	1,100
<i>Incoming resources from charitable activities</i>	348,104	-	348,104	164,482
Total incoming resources	379,431	165,770	545,201	423,159
Resources expended				
Costs of generating voluntary income	-	19,730	19,730	8,604
Charitable activities				
Right to Liberty	63,576	3,958	67,534	60,488
Bail Casework	119,671	124,544	244,215	204,458
Detained families	110,776	3,868	114,644	50,807
Research & policy	61,095	1,927	63,022	67,984
	355,118	134,297	489,415	383,737
Governance costs		11,233	11,233	8,964
Total resources expended	355,118	165,260	520,378	401,305
Net incoming/(outgoing) resources	24,313	510	24,823	21,854
<i>Reconciliation of funds</i>				
Total funds, brought forward	24,954	77,932	102,886	81,032
Total funds, carried forward	49,267	78,442	127,709	102,886

BALANCE SHEET AS AT 31ST JULY 2009

	2009		2008	
	£	£	£	£
Fixed Assets				
Tangible fixed assets		1,983		5,611
Currents Assets				
Debtors	4,425		3,559	
Cash at bank and in hand	164,364		119,861	
	168,789		123,420	
Creditors				
Amounts falling due within one year	43,063		26,145	
Net current assets		125,726		97,275
Net Assets		127,709		102,886
Income Funds				
Unrestricted income funds:				
Undesignated fund		78,442		77,932
Restricted income funds		49,267		24,954
		127,709		102,886

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

"I am so grateful and appreciate your help. Through my hard times you gave me hope to be reunited with my two young daughters again after 2 years I month I don't see them for. I am glad to be free and I am glad you people from BID were there to listen to my cry and my problems. Many thanks to you all and God bless you all for your good work and good advice."

Letter from BID client on release from detention

Thank you to ...

Comic Relief

29th May 1961 Charitable Trust

Joseph Rowntree Charitable Trust

Lankelly Chase Foundation

City Parochial Foundation

The Tudor Trust

The Diana, Princess of Wales Memorial Fund

Helen Tetlow Memorial Fund

Esmee Fairbairn Foundation

Volant Charitable Trust

Appletree Fund

CAF America

The Sigrid Rausing Trust

New Philanthropy Capital

The Funding Network

Cole Charitable Trust

St James's Church Piccadilly

Zennstrom Philanthropies

Jill Franklin Trust

The staff, trustees and volunteers

Trustees

Rajeev Thacker (Chair), Elizabeth Barratt (Vice-Chair), John Bingham, Teresa Hanley, Stephen Meachem, Laura Bowman, Farooq Ahmed (resigned 21/10/08), Peter Cleland (Treasurer)

Staff

Sarah Campbell (Research & Policy Officer), Celia Clarke (Director), Ionel Dumitrascu (BID Oxford Manager), Matthew Duncan (Legal Manager), Elli Free (Legal Manager Children's Project), Pierre Makhlouf (Assistant Director Legal), Frances Pilling (BID South Manager), Natalie Poynter (BID Oxford Manager), Silke Schroder (Legal Manager), Amanda Shah (Assistant Director Policy), Thirukeswary Sreeganeshan (Finance Manager), Kezia Tobin (Legal Caseworker, Children's Project), Sophy Yildirim (Assistant Manager, BID South)

Volunteers

BID London

Tony Goodfellow, Marion Walter, Marijn van der Geer, Hamsa Vijayaraghavan, Anielka Pieniazek, Oliver Holland, Seema Kansal, David Ritchie, Clement Idowu, Zafrullah Mohamodosen, Sandra Banda, Onikepo Sobowale, Lina Khanom, Nazneen Khassar, Niall McEntee Creighton, Michael Jemia, Nandini Boodia-Canoo, Trude Ndagire, Alphonsus Okafor-Mefor, Edward Oremuyiwa, Nick Nason, Janan Akkad, Juliane Heider, Jennifer Wheeler, Emma Stevens, Xi Chen, Gillian McKearney, Holly Buick, Alex Tinsley, Sasuie Abbas Leghari, Sarah Sharaf, James Ingram, Maria Baqueriza, Islam Khan, Seda Yegin, El Hadj Amadou Diallo

BID South

John Bingham, Mary George, Michael Heaps, Sue Mullan, Nolan Dickman, Lia Deyal, Rosemary Hart, Lucy Woodman, Jo Hunt, Charles Nutumnwa, Kate Adams (Dover), Eddie Barns (Dover)

BID Oxford

Gill Baden, Maxine Hedworth, Ales Patrusau, Ian Gibson, Yvanna Pert, Nishat Nishat, Cristina Dos Santos, Evelynne Massa, Amanda Walker, Frederick Piggott, Tiseme Zegeye

The barristers who volunteered their time to represent BID clients in court:

Campbell Munro, Francesca Delaney, Anna Watterson, Rosie Collingbourne, Greg O'Cealligh, Graham Denholm, Shauna Gillan, Gilda Kiai, Eleanor Claire Hutchison, John Crosfil, Alex Goodman, Alasdair Mackenzie, Camille Warren, Alison Pickup, Seema Farazi, Alex Gask, Stephen Broach, Shu Shin Luh, Sarah Hemingway, Sadat Sayeed, Livio Zilli, Kirsten Heaven, Alex Grigg, Gemma Loughran, Bryony Poynor, Artis Kakonge, Helen Foot, Richard Mobbs, Tim Buley, Anthony Vaughan, Stephanie Motz, Dinali Nanayakkara, Julia Gasparro, Margaret Phelan, Matthew Fletcher, Shivani Jegarajah, Sophie Train, Mehvish Chaudhry, Abigail Smith, Richard Reynolds, Naina Patel, Vivek Jain, Julian Samiloff, Phillipe Bonaverro, Tim Potter, Seema Kansal, Mehvish Chowdry

And to Allen & Overy LLP, Michael Fordham QC and Dan Squires



Left to right: John Bosco, Yousif Gousai, Tim Baster (BID's founder), Celia Clarke, Rajeev Thacker, BID's Tenth Anniversary Party, July 2009

**Helping detainees find
a legal route out
of detention**

BAIL

**IMMIGRATION
DETENTION**





Bail for Immigration Detainees

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