

# **BiD** Bail for Immigration Detainees

## **Summer Legal Advice Survey**

**August 2024**



## About BID

Bail for Immigration Detainees (BID) is an independent national charity established in 1999 to challenge immigration detention. We assist those held under Immigration Removal Centres (IRCs) and prisons to secure their release from detention through the provision of free legal advice, information and representation.

Alongside our legal casework, we engage in research, policy advocacy and strategic litigation to enact change in detention policy and practice. In 2013 BID set up a project dedicated to aiding people detained in prisons for immigration reasons. We are entirely reliant on charitable donations and we are not in receipt of legal aid funding. We do however call for the automatic provision of legal aid funding to everyone held in detention or facing deportation.

With the assistance of barristers acting pro bono, BID prepares and presents bail applications in the Immigration and Asylum Chamber of the First-tier Tribunal (FTT) for the most vulnerable detainees, including long-term detainees, people with serious mental or physical ill-health, detainees who have intractable travel document problems, or who are main carers separated by detention from their children, and who are unable to obtain legal representation. Since 2014 BID has also provided legal advice and representation to people challenging deportation on the basis of their Article 8 (ECHR) family life or private life rights.

One of BID's key aims is to improve access to justice for detainees. To achieve it, and to improve our own advice service, BID speaks directly to detainees twice a year so that we can document their experiences of getting legal advice while in detention – known as the 'Legal Advice Survey'. This is the 21<sup>st</sup> such survey we have carried out for those held within IRCs. We would like to thank BID volunteers who carried out the interview, and the people who agreed to share their experiences of accessing legal advice in detention.



## Introduction

Since the 1971 Immigration Act introduced the legal basis for detention<sup>1</sup>, the UK's detention estate has expanded exponentially from around 200 people entering annually, held in 1 or 2 permanent detention centres,<sup>2</sup> to upwards of 30 000 people entering the estate in 2023 in 7 dedicated Immigration Removal Centres (IRCs).<sup>3</sup>

Detention's positioning within successive government policies has shifted considerably and the growth in size reflects this change. Detention has transformed from a method of border management used sparingly under exceptional circumstances, to an everyday display of power against large sections of the migrant population. Changes had previously been made to limit this shift. Court judgments finding violations of Article 3 (ECHR) prohibition of torture and inhuman and degrading treatment<sup>4</sup>, as well as the 2016 and 2018 Stephen Shaw reports<sup>5</sup> resulted in additional measures introduced to protect the welfare of detainees. Shaw's reports lead to the introduction of the Adults at Risk policy under the 2016 Immigration Act.<sup>6</sup> This changing approach could also be seen in the closure of Campsfield and Haslar IRC.<sup>7</sup> Yet, these improvements are being reversed with the planned reopening of both of these IRCs and the revision and weakening of the Adults at Risk policy.<sup>8</sup> The former government's 2021 New Immigration Plan renewed efforts to emphasise the deterrence of illegal entry, and the positioning of detention to achieve such an aim – including rollbacks of protections for vulnerable people facing detention.<sup>9</sup> This is matched by hostility and harm to the people

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<sup>1</sup> Immigration Act (1971), s 4(2c).

<sup>2</sup> Home Office 'Control of Immigration Statistics – Second Quarter' [1979] Home Office Statistical Bulletin, XI.

<sup>3</sup> Home Office 'Detention Summary Tables' [2023]

<sup>4</sup> *R (S) v Secretary of State for the Home Department* [2011] EWHC 2121, p 211-215; *R (BA) v SSHD* [2011] EWHC 2748, p 236-7; *R (HA (Nigeria)) v SSHD* [2012] EWHC 97; *R (D) v SSHD* [2012] EWHC 2501; *R (VC) v SSHD* [2018] EWCA Civ 57.

<sup>5</sup> Stephen Shaw 'Review into the Welfare in Detention of Vulnerable Persons' (January 2016) CM 9186; Shaw 'Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons: a follow-up report to the Home Office' (2018) CM 9661.

<sup>6</sup> Immigration Act (2016), s 59(1).

<sup>7</sup> Home Office 'Campsfield House immigration removal centre to close' (9 November 2018). Online. Available at: <https://www.gov.uk/government/news/campsfield-house-immigration-removal-centre-to-close>. [Accessed 06.06.2024].

<sup>8</sup> Home Office 'Immigration Act 2016: Draft Revised Guidance on adults at risk in immigration detention' (April 2024).

<sup>9</sup> Home Office 'Consultation on the New Plan for Immigration: government response' (July 2021) CP 493, ch 2.



being held within the estate, as evidenced by the Brook House Inquiry and numerous reports by the Chief Inspector of Borders and Immigration (ICIBI).<sup>10</sup>

This shifting of the detention estate, from management to a measure intended to enforce removals and as a means of deterrence, has in part been supported by current discourse which presupposes detention as a natural, inevitable mode of punishment against migrants who are not considered to have permission to be in the UK.<sup>11</sup> This has been the rhetoric that suggests the use of detention is an apt response.

This past year has seen the continued codification of detention policy. The Illegal Migration Act (IMA) 2023 strips people detained under the Immigration Acts of the scant protections allowed for people who are refugees or who face violations of their fundamental human rights. The new Labour government has amended the Act by introducing the Illegal Migration Act 2023 (Amendment) Regulations 2024 that effectively means so that those who have arrived irregularly will have their asylum cases considered in the UK.<sup>12</sup> However, they have not amended or repealed the sections relating to detention including, section 12 which the Home Office argues removed the power of the courts to decide whether detention is reasonable. Such powers now sit with the Secretary of State (SSH), who made the original decision to detain. In addition, it is unclear whether the current government will continue with the implementation of further sections of the IMA, such as section 13. If commenced the section will prevent a person – regardless of their circumstances or vulnerabilities, from making a bail application before the First-tier Tribunal for at least 28 days of being detained.<sup>13</sup>

The findings of this Legal Advice Survey must be contextualised against the backdrop of the continuing shifting role of detention, ostensibly intended for the purpose of removal, but all too often used for unnecessary, if not for punitive reasons, while stripping migrants of their liberty, often without access to vital legal aid.

Individuals detained under immigration powers and/or served deportation orders, are not automatically allocated legal advice and representation. Instead, as this report demonstrates, they face enormous hurdles accessing vital legal representation. This situation is faced by individuals who face extra barriers such language, literacy, and trauma. This deprivation of access to justice is further compounded by the lack of supply and capacity of legal aid lawyers working within the sector.<sup>14</sup>

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<sup>10</sup> Brooke House Inquiry Report HC 1789-I (2013).

<sup>11</sup> Stephanie Silverman, '“Regrettable but Necessary?” A historical and theoretical study of the rise of the U.K Detention Estate and its Opposition' (2012) 40 Politics & Policy 1131,1146.

<sup>12</sup> Illegal Migration Act 2023 (amendment) Regulations, 2024.

<sup>13</sup> Illegal Migration Act (2023), s(13).

<sup>14</sup> Jo Wilding 'Droughts and Deserts. A report on the Immigration Legal Aid Market' [2019].





Access to timely and quality legal advice remains paramount to detainees being able to realise their freedom and be reunited with their family and community. BID therefore delivers seven recommendations following this survey, urging for the automatic and increased access to legal aid and representation for those in detention.



## Methodology

The report evaluates the availability of immigration legal advice for those detained under immigration powers. Therefore, the sample group was taken from BID's clients who

- Had files opened from the 1<sup>st</sup> of November 2023 to the 31<sup>st</sup> of June 2024.
- Had signed letters of authority consenting to the disclosure of their anonymised information; and
- Were detained in Immigration Removal Centres (IRCs)

The survey questionnaire included a mix of quantitative and qualitative answers.<sup>15</sup> Where qualitative answers were given, answers were transcribed as accurately as possible. Including both when the question required a qualitative answer, as well as in cases where individuals volunteered additional qualitative information despite not having been prompted. Telephone interviews were conducted by BID volunteers between 22/05/2024 – 17/07/2024. Volunteers called 123 people. Of those contacted, 85 went to voicemail, were the wrong number, or the phone was switched off. 38 Respondents gave verbal consent attained to complete the survey. Respondents were given the option to terminate the interview if they wished, as well as the option to only answer questions with which they felt comfortable responding to. As a

result, some interviewees left certain questions blank. 11 interviews were carried out with an interpreter.<sup>16</sup>

Of the 38 survey Respondents:

- 12 were held in Brooke House
- 9 were held in Colnbrook
- 5 were held in Harmondsworth
- 2 were held in Tinsley House
- 10 were held in Yarls Wood.



**Figure 1: Location of Respondents**

<sup>15</sup> For a list of questions asked, see Appendix A.

<sup>16</sup> 2- Kurdish Sorani, 2 – Arabic, 1- Polish, 1- Albanian, 1 – Vietnamese, 1 – Lithuanian, 1 – Bulgarian, 1 – French, 1- Punjabi

## Findings

### Levels of Representation

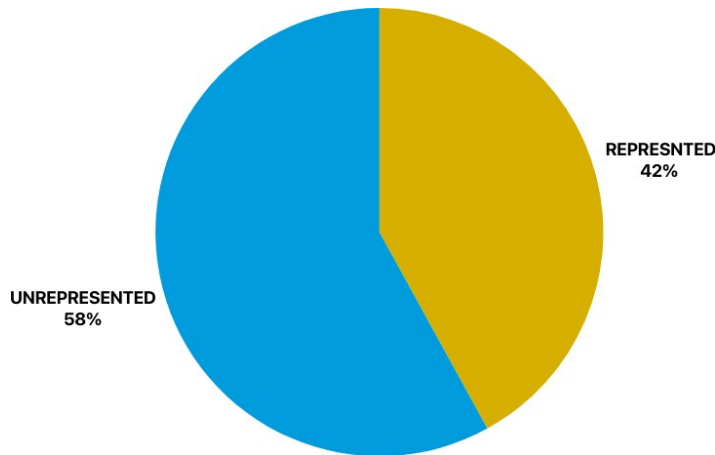


Figure 2: Percentage of respondents that had immigration legal representation.

Respondents were asked whether they currently had a solicitor representing them on their immigration case. Of those that responded, only 42% currently had representation. This is a marked decline when compared to results from last year where 55% of respondents had representation.

Of the 16 respondents who had a lawyer:

12 were funded through legal aid

3 were funded privately

1 was acquired through the client applying for the Exceptional Funding Case.

### Reasons for representation levels

Of those unrepresented, respondents cited a mix of financial barriers, complexities of their case, as well as solicitors not giving definite reasons for why their cases had not been taken on. 6 respondents who were currently unrepresented stated they did previously have legal representation for their immigration case.

Worryingly, 9 respondents had lost a solicitor as a result of being transferred between IRCs, 3 of whom who have not been able to find legal representation since. Such a loss has marked consequences for the detainees, as the report demonstrates that there are significant barriers to obtaining legal representation; losing such representation as result of constant transfers

between IRCs only creates further barriers to maintaining representation once it has been acquired.

## Bail

The survey shows that the numbers of lawyers applying for bail for their clients has decreased. Of the 16 respondents who had legal representation, 9 respondents had received advice on immigration bail. This figure is lower than our findings from our 2023 and 2022 surveys – where 77% and 61% of those represented had applied for bail.

Those whose lawyers had not applied for bail gave mixed answers as to why submissions had not been, or were not expected to be made. This included, lawyers suggesting that the case did not merit a bail application, or was too complex for a bail application to be made. Whilst others did not know why their lawyers had not proceeded with bail applications. In BID's experience, some legal aid practitioners may have limited understanding of bail applications, and may make wrongful assumptions when applying the merits test e.g. advising that a bail application should only be made once an individual has sourced a Financial Condition Supporter. Such explanations warrant criticism as they are not satisfactory reasons for why bail has not been sought.

These gaps in understanding have the potential to have devastating consequences for those that are detained. Bail is the primary method through which a detained individual can seek freedom from detention and enables access to resources to assist individuals to prepare their case, thereby increasing their chances of being able to properly argue their claims to be allowed to remain in the UK. Therefore, in BID's view, it remains paramount that bail applications remain a primary focus for those representing clients detained under immigration powers.

## Detention Duty Advice (DDA) Scheme

The Detention Duty Advice (DDA) scheme was introduced in 2010 to provide easier access to free legal advice to those detained.<sup>17</sup> Under the scheme, individuals are eligible for a free 30-minute appointment with an immigration solicitor in the detention centre.

Respondents were asked if they were aware of the scheme and that they were entitled to free legal advice under it. 27 people (71%) said they were aware of the surgeries that were running in their IRC, all of whom had booked at least one appointment under the scheme. Whilst 11 people were not aware of the scheme. Concerningly those who had not been aware of the scheme, cited language barriers and consequent difficulties navigating facilities within the IRC.

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<sup>17</sup> Anna Lindley, 'The Detention Duty Advice Scheme: research summary' [2020], 1.





Under the scheme, once an individual has requested an appointment they should be allocated a free appointment to discuss their immigration case with a solicitor. However, our survey reveals that the scheme operated with significant delays. 23 respondents gave details on how long it took for the appointments to be arranged.

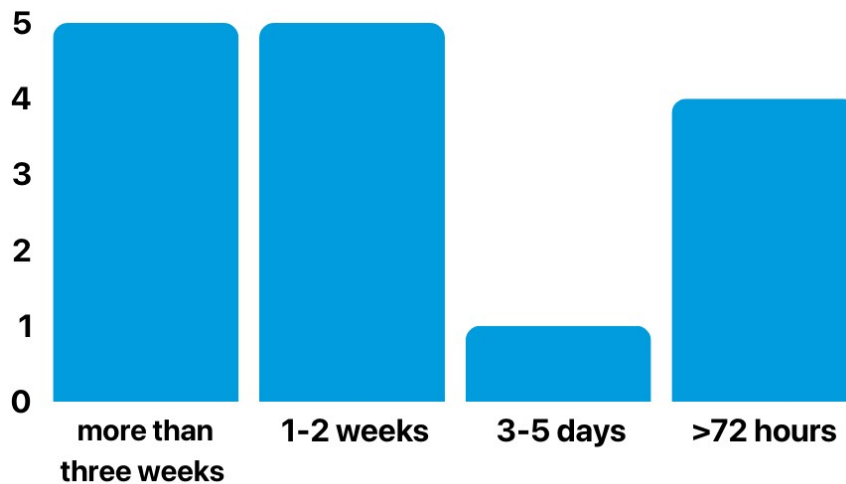


Figure 3: Time taken to receive DDA appointment

- 5 people stated that it took more than 3 weeks, ranging from 1 month to more than 2 months
- 5 people stated it took them 1-2 weeks
- 1 person stated that it took 3-5 days
- 4 people stated that it took less than 72 hours

The 8 other respondents stated that the time it took to receive an appointment varied with each request. Some were arranged between 72 hours to 2 weeks, whilst others could take as long as a month to be allocated. Such delays highlight a lack of capacity of the current scheme against levels of demand. This observation is further re-enforced by lawyers being unable to take on cases through the DDA due to capacity levels.

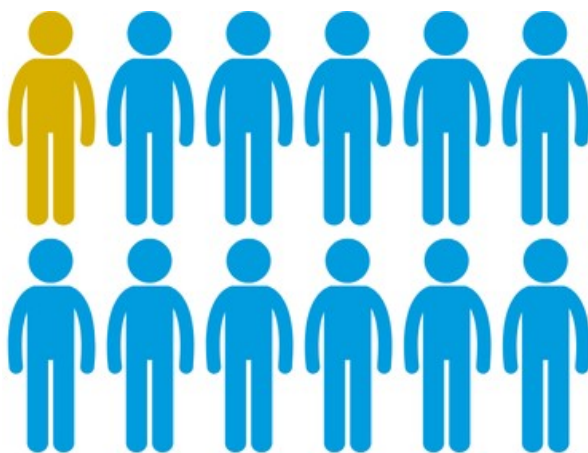
The quality of the appointments varied extremely. Respondents were asked to describe their appointment in detail. 10 respondents noted that the appointments lasted the allotted 30 minutes. Whilst for 6 people, appointments lasted less than the time allocated, ranging from 10-20 minutes. 12 Respondents explicitly expressed disappointment at the quality of advice offered at the appointments. One respondent stated that although the quality of the appointment itself was good, the follow up from the solicitors was poor. There was a shared sentiment that the appointments did not result in any tangible help offered to those detained. Only 8 of the 23 respondents who had attended appointments had their case taken on. For

others, correspondence with the lawyers who attended were incredibly mixed. One respondent had chased up 5 different lawyers without any response.

Respondents whose cases were not taken on were asked why the lawyers had not taken on their case. 2 people were told that their cases could not be taken on due to lack of capacity. 1 person did not receive a reason for why they were not contacted again. 1 person was told that their case was too complex for a solicitor to take on. 3 people were told their cases were financially ineligible to be covered by legal aid. Yet, they were not informed the lawyers could apply for Exceptional Case Funding (ECF) legal aid.

## ECF

ECF was introduced after immigration cases were taken out of the scope of Legal Aid in 2013.<sup>18</sup> As part of the Legal Aid cuts pursued in 2012, the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO), removed immigration matters from the scope of legal aid provided. As a result, those that were detained under immigration powers, were no longer eligible for free legal advice, such as when compared to those incarcerated under criminal matters. ECF is designed to act as a 'safety net' to protect those who have become ineligible for legal aid funding in cases where decisions made by the Home Office would breach their human rights.<sup>19</sup>



**Figure 4: Proportion of respondents who had knowledge about the ECF process**

Respondents whose cases were not taken on due to financial restrictions were consequently asked whether they were informed by the solicitor of the ECF scheme. Out of the 12 people that responded to our question regarding ECF, only 1 person had been made aware of the scheme. Such low levels of understanding of the ECF scheme is unacceptable, given that its availability is intended to alleviate the financial barrier otherwise barring detainees from accessing vital legal advice and representation.

## Immigration legal advice in prison

<sup>18</sup> Legal Aid, Sentencing and Punishment of Offender Act (2012), s 1(1).

<sup>19</sup> BID, 'Hurdle After Hurdle: The Struggle for Advice and Representation through Exceptional Case Funding' [2023], 01.

All 38 respondents had been transferred to their IRC from prison. Yet, 29 (**75%**) had not received advice from an immigration lawyer whilst in prison. Of the 9 that had received immigration advice, only 3 received it from an immigration solicitor. The other 6 received information through either charity organisations, Prison Officers, and/or their criminal solicitors.

Discrepancies of immigration legal advice offered to those held under immigration powers in prison versus those held in IRC have been so severe, they contributed to the ruling delivered in *SM vs Lord Chancellor*.<sup>20</sup> BID had intervened in this case and the High Court had found that the lack of immigration legal advice for people held in prison was discriminatory and unlawful. Such findings have been further supported in our Prison Legal Advice Surveys (2022;2023), as well as conclusions reached within the HM Chief Inspector of Prisons' Annual Reports.<sup>21</sup>

The 2021 ruling has led to the creation of a near equivalent duty scheme, the Telephone Legal Advice Service, as a replacement within prisons for the DDA schemes that run in IRCs. However, outcomes for the levels of immigration advice received by people who have been in prison (and indeed our separate surveys on advice provision within prisons) indicates that the scheme is not operating as well as it should. In addition, individuals who are serving criminal sentences and who have ongoing immigration, deportation and human rights matters face huge barriers to receiving any advice at all and they do not benefit from access to the Telephone Advice Service (at least not until after they are due for release and are then detained for immigration reasons).

BID continues to advocate for the prompt availability of immigration advice for those detained in prisons under immigration powers. As well as access to legal representation regarding their immigration case whilst being detained under criminal powers.

### Video vs In-person

Our 2024 summer survey was updated with new questioning regarding the preferences of detainees with regards to in-person and remote legal advice.

Respondents were asked to rank their preferences between

- In-person and remote legal advice
- Remote vs no legal advice
- Initial in person appointment followed by remote appointments.

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<sup>20</sup> *SM vs Lord Chancellor* [2021] EWHC 418 (Admin); Lara Dubinsky and Daniel Clarke, 'High Court finds that lack of free advice for immigration detention in prison is unlawful' [Feb 2021].

<sup>21</sup> BID 'Catch 2022- Accessing Immigration Legal Advice from Prison' [2022]; BID 'Prison Legal Advice Survey' [2023]; HM Chief Inspector of Prisons for England and Wales, 'Annual Report 2022-23' [2023] HC 1451, 76.



Respondents favoured in person appointments over remote, but preferred remote appointments over no legal advice. Most respondents (n=26) expressed disinterest in a scheme which would have one initial in person appointment followed by remote appointments. One respondent explicitly stressed that although he would prefer in-person appointments, what was most important to him was the quality and efficiency of legal representation offered to him – i.e if there was an option of choosing in-person or remote advice, if the remote advice would be faster and better, he would prefer such an option.

The answers highlight the importance of in-person access to legal advice. Respondents stressed reasons such as: a better ability to connect with others, get messaging across and for some, helped overcome communication barriers. The, former Minister of State had previously confirmed in March 2023 that surgeries under the DDA scheme would return to being facilitated in-person from 3<sup>rd</sup> April 2023 onwards.<sup>22</sup> While judgment in the case of *SPM v SSHD* [2023] EWCA Civ 764 found that there is no legal obligation to deliver advice face-to-face,<sup>23</sup> it has been accepted practice that advice delivered face-to-face is essential given the vulnerable situation in which people in immigration detention are in. However, the Home Office published an updated Detention Service Order (DSO) in July 2024, which seems to unfortunately undermine this position. It states that DDA appointments ‘*may be conducted over the telephone*’, at the discretion of the legal provider.<sup>24</sup> Given the contradictory positions, it will be important for some clarity to be reached when the new Detained Duty Advice Scheme is finalised. We would urge the Legal Aid Agency to ensure the availability of in-person advice at duty surgeries whenever possible.

## IT

In previous years, respondents had voiced concerns regarding the barriers to internet access, with certain websites and apps being blocked. Not only did this hinder their ability to carry out research to support immigration cases, it compounded the social isolation of the detainee from their communities. The 2001 Detention Centre Rules makes clear that detention is *not* a mode of punishment, but rather a method of accommodation before removal.<sup>25</sup> Therefore, it was unclear why social media and internet access should have been blocked within detention.

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<sup>22</sup> HC UIN 171569W Derwentside Immigration Removal Centre: Legal Aid Scheme 22 March 2023

<sup>23</sup> *SPM v SSHD* [2023] EWCA Civ 764.

<sup>24</sup> Home Office, ‘Detention Service Order 06/2013: Reception, Induction and Discharge Checklist and Supplementary Guidance’ [July 2024], 42.

<sup>25</sup> Detention Centre Rules 2001, s 3(1).

States: *The purpose of detention centres shall be to provide for the secure but humane accommodation of detained persons in a relaxed regime with as much freedom of movement and association as possible, consistent with maintaining a safe and secure environment, and to encourage and assist detained persons to make the most productive use of their time, whilst respecting in particular their dignity and the right to individual expression*





In this year's survey, 19 respondents had used the internet to research about their immigration cases. However, only 6 respondents experienced websites being blocked when researching their case. In addition, the majority of respondents reported positive experiences with ICT within detention.

This is a marked change from our previous surveys, where respondents have often expressed disappointment with the IT experience within detention. 66% of respondents who had used the internet to research their case in 2023, had experienced blocked websites.<sup>26</sup>

In October of 2023, BID sent a joint letter from individuals detained in Yarl's Wood IRC highlighting various issues with their IT rooms which created further access to justice issues for those detained. Therefore, improvement of services is greatly welcomed.<sup>27</sup>

IRCs can still further improve the quality within their ICT. Especially with respect to

- The number of computers available with respect to the number of detainees.
- The speed of the internet provided.

For example: one respondent had been extremely excited to take on the role of job equality and diversity rep, however had been unable to complete the courses required due to poor network connection.

- Poor phone quality signals.

It is paramount that detainees are not isolated further whilst in detention, and access to the internet remains a primary method through which this can be prevented. The over-blocking of websites, and poor access to computer rooms, further hinder the ability of detainees to maintain their familial, and social ties whilst in detention. Furthermore, adequate quality of the connections provided, ensures that detainees are able to gain as much from the courses provided within detention.

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<sup>26</sup> BID, 2023, 9.

<sup>27</sup> Ibid, 10.



## Recommendations

Access to justice is a fundamental pillar of a democratic society, well-established within international and national law. Creating barriers to justice for those incarcerated under administrative immigration powers represents a moral and political failing of the state to adequately protect the political and legal rights of those in detention. We must all have effective access to the courts, and legal advice to ensure rights are not breached. Individuals in immigration detention face enormous barriers to accessing such rights and more so for those still serving criminal sentences; against whom the Home Office is considering the ultimate immigration sanction of deportation. BID therefore highlights the importance of automatic provision of legal aid funding. Legal advice for people in detention should be provided regardless of merit where a person has an ongoing immigration matter or has been detained for immigration reasons, is liable to such detention, or has not been granted residence or deported.

The passing and implementation of the Safety of Rwanda Act, brought into being legislation that would specifically allow the removal of people who it should be assumed to be refugees. The government is currently empowered to act with gross impunity against some of the most vulnerable members of our community. Further, current legislation allows for the deportation of people who may have been born in the UK and/or have been brought up in this country, with the only exceptions where a person can prove deportation will have an ‘unduly harsh’ impact upon the deportee, their partner or child. Interpreting this test and applying the relevant case law is complex. It is therefore imperative that steps are taken to protect and improve individuals’ rights to access legal advice, particularly in the context of some of the most draconian immigration legislation that has ever been brought into force.

BID argues that immigration detention is inhumane, unnecessary and expensive. We campaign for an end to the practice of depriving people of their liberty for immigration purposes. However, while detention continues to exist the following recommendations need to be implemented urgently.

1. Individuals in detention who face immigration-related decisions should have initial access to prompt legal advice. They should automatically be provided with an immigration lawyer upon being detained under immigration powers and/or being served with deportation-related actions. They should retain their legal aid lawyer until they are either removed from the UK, or granted leave to remain.
2. The legal aid merits test should not be required or applied to people who are: faced with deportation action whilst serving criminal sentences, or who are detained, or liable to immigration detention, until they are released with permission to remain or they are removed from the UK.



3. There should be automatic entitlement to legal aid for representation at a bail hearing every 28 days or sooner where there has been a change of circumstance, i.e. in accordance with the statutory entitlement to apply for bail.
4. Legal aid withdrawn under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) should be restored. In the interim legal aid lawyers should be allowed to make decisions to issue Exceptional Case Funding without needing to resort to the Legal Aid Agency, removing an unnecessary obstacle to this legal aid resource.
5. Provision of legal advice in prisons should be expanded and developed as a matter of urgency and should be equal to the provision of advice in IRCs – including creating more avenues to enable individuals to access immigration advice, as well as the ability for individuals to access face-to-face advice in line with the DDA scheme in IRCs.
6. The above should be used alongside a broader aim to end the use of prisons for immigration detention.
7. In addition to the above, the DDA scheme in IRCs should be reviewed in the following ways:
  - a. With regards to the number of providers on the rota, such that capacity can be extended to ensure that people do not have to wait more than 24 hours to see a lawyer.
  - b. The LAA should review the quality of advice on the surgery rota. Firms that are providing sub-standard quality of advice or routinely not taking on cases should be removed from the rota.
  - c. In line with the Joint Committee on Human Rights' conclusions, DDA appointments should be made automatically unless an individual opts out.<sup>28</sup>

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<sup>28</sup> Joint Committee on Human Rights HC 1484 (2019), 20.



APPENDIX

**SUMMER 2024 LEGAL ADVICE SURVEY**

**LEGAL REPRESENTATION FOR IMMIGRATION DETAINEES**

|  |  |  |  |   |
|--|--|--|--|---|
| <b>Name</b>                                      |  |  |  |   |
| <b>Length of detention</b>                       |  | <b>BID ref</b>                               |  |   |
| <b>Nationality</b>                               |  | <b>IRC</b>                                   |  |   |
| <b>DO YOU HAVE AN IMMIGRATION SOLICITOR NOW?</b> |  |  |  |   |
| 1a   | Do you currently have a lawyer working on your immigration case?   | <b>Yes</b><br><input type="checkbox"/>       | <b>No</b><br><input type="checkbox"/>      | <b>Don't Know</b><br><input type="checkbox"/> |
| 1b   | How long have you been in detention?                               |  |  |   |
| 1c   | What stage is your immigration case at?                            |  |  |   |
| 1d   | Has the Home Office told you that they might deport you to Rwanda? | <b>Yes</b><br><input type="checkbox"/>       | <b>No</b><br><input type="checkbox"/>      | <b>Don't Know</b><br><input type="checkbox"/> |
| <b>If YOU DO HAVE A SOLICITOR....</b>            |  |  |  |   |
| 2  | Are they legal aid or do you pay for them privately?               | <b>Legal Aid</b><br><input type="checkbox"/> | <b>Private</b><br><input type="checkbox"/> | <b>Don't Know</b><br><input type="checkbox"/> |
| 3  | Has your current lawyer ever applied for immigration bail for you? | <b>Yes</b><br><input type="checkbox"/>       | <b>No</b><br><input type="checkbox"/>      | <b>Don't Know</b><br><input type="checkbox"/> |





|   |   |  |                                       |   |
|---|---|--|---------------------------------------|---|
| 3a  | If yes, did your lawyer apply for bail at the First Tier Tribunal or the Secretary of State?  | <b>Yes</b><br><input type="checkbox"/>                                   | <b>No</b><br><input type="checkbox"/> | <b>Don't Know</b><br><input type="checkbox"/> |
| 3b  | If yes, how many times have they applied for immigration bail for you?  |  |                                       |   |
| 3c  | <b>If no, do you know why they have not applied for bail yet?</b><br><i>Do not have a bail address?</i><br><i>Waiting to be provided with bail address?</i><br><i>Waiting for licence-related probation address check?</i><br><i>Bail application being prepared?</i><br><i>Can't afford to pay for a bail application?</i> | <div style="border: 1px solid black; height: 200px; width: 100%;"></div> |                                       |   |
| <b>If YOU DON'T HAVE A SOLICITOR.....</b> |   |  |                                       |   |
| 4   | Can you explain why you do not have a lawyer at the present time?   | <div style="border: 1px solid black; height: 100px; width: 100%;"></div> |                                       |   |
| 5   | Have you EVER had an immigration solicitor while in a removal centre?   | <b>Yes</b><br><input type="checkbox"/>                                   | <b>No</b><br><input type="checkbox"/> | <b>Don't Know</b><br><input type="checkbox"/> |
| 6   | Have you done any work on your main immigration case yourself?  | <b>Yes</b><br><input type="checkbox"/>                                   | <b>No</b><br><input type="checkbox"/> | <b>Don't Know</b><br><input type="checkbox"/> |



|  |   |   |  |  |
|--|---|---|--|--|
| 6a.  | How has this affected your case?  |   |  |  |
| <b>SOME OTHER QUESTIONS</b>                        |   |   |  |  |
| 7  | Have you come to the removal centre from prison?  | Yes<br><input type="checkbox"/>                   | No<br><input type="checkbox"/>                       |  |
| 7a   | If yes, while you were in prison did you get any legal advice on your immigration case?             | Yes<br><input type="checkbox"/>                   | No<br><input type="checkbox"/>                       |  |
| 7b   | If yes, who gave you that immigration advice?   | Prison Officer<br><input type="checkbox"/>        | Offender Management Unit<br><input type="checkbox"/> | Criminal Solicitor<br><input type="checkbox"/> |
|  |   | Immigration Solicitor<br><input type="checkbox"/> | other<br><input type="checkbox"/>                    |  |
| 8  | Have you ever had to find a new solicitor as a result of moving from one removal centre to another? | Yes<br><input type="checkbox"/>                   | No<br><input type="checkbox"/>                       |  |
| <b>QUESTIONS ABOUT THE LEGAL SURGERIES IN IRCS</b> |   |   |  |  |
| 9  | Do you know you can get free legal advice while you are in the removal centre?                      | Yes<br><input type="checkbox"/>                   | No<br><input type="checkbox"/>                       |  |



|     |   |  |   |  |                                       |   |  |
|-----|---|--|---|--|---------------------------------------|---|--|
| 10  | Have you ever made an appointment with the free legal advice scheme in your IRC?  | Yes<br><input type="checkbox"/>                | No<br><input type="checkbox"/>                |  |                                       |   |  |
| 10a | If yes, how long did you have to wait before you could see a free lawyer?   | Less than 72 hours<br><input type="checkbox"/> | 72 hours – 1 week<br><input type="checkbox"/> | 1-2 weeks<br><input type="checkbox"/>                  | 2-3 weeks<br><input type="checkbox"/> | More than 3 weeks<br><input type="checkbox"/> |  |
| 10b | How would you describe your appointment with the solicitor, <u>and</u> how long was it?<br><b>For example:</b><br><b>Lawyer gave specific / general / no advice</b> |  |   |  |                                       |   |  |
| 10c | Was the appointment face-to-face or over the telephone?   | Face to face<br><input type="checkbox"/>       | Over telephone<br><input type="checkbox"/>    | Don't Know<br><input type="checkbox"/>                 |                                       |   |  |
| 10d | (if it was over telephone) Did the lawyer call you?   | Yes<br><input type="checkbox"/>                | No<br><input type="checkbox"/>                | Yes, but at the wrong time<br><input type="checkbox"/> |                                       |   |  |
| 10e | Did the lawyer give you advice on bail?   | Yes<br><input type="checkbox"/>                | No<br><input type="checkbox"/>                | Don't Know<br><input type="checkbox"/>                 |                                       |   |  |
| 10f | Did the lawyer give you their contact details?  | Yes<br><input type="checkbox"/>                | No<br><input type="checkbox"/>                | Don't Know<br><input type="checkbox"/>                 |                                       |   |  |
| 10g | Did the lawyer take on your case?   | Yes<br><input type="checkbox"/>                | No<br><input type="checkbox"/>                | Don't Know<br><input type="checkbox"/>                 |                                       |   |  |



|     |  |  |   |  |
|-----|--|--|---|--|
| 10h | Would you feel comfortable telling us the name of the lawyer's firm?   | <b>Solicitor's name:</b><br><input type="text"/>   |   | <b>Can't remember/<br/>prefer not to say</b><br><input type="checkbox"/> |
| 11a | Did the free lawyer give you information and advice in writing?<br><b>Only ask this question if they answered if they said yes to 11d: that the lawyer took on their case</b>                  | <b>Yes</b><br><input type="checkbox"/>   | <b>No</b><br><input type="checkbox"/>               | <b>Don't Know</b><br><input type="checkbox"/>                            |
| 11b | How long was it after the initial appointment before they made contact with you  |  |   |  |
| 12a | If your case was not taken on by the free lawyer, what reasons were you given?<br><b>* Only ask this question if they answered if they said in 10g that the lawyer didn't take on the case</b> | <b>Not covered by Legal Aid</b><br><input type="checkbox"/>  | <b>Not enough merit</b><br><input type="checkbox"/> | <b>Financially ineligible</b><br><input type="checkbox"/>                |
|     |  | <b>Lack of financial evidence</b><br><input type="checkbox"/>  | <b>Lack of capacity</b><br><input type="checkbox"/> |  |
|     |  | <b>Because your case is a judicial review case and he/she did not do judicial review cases</b><br><input type="checkbox"/> |   | <b>Other</b><br><input type="text"/>                                     |
| 12b | Did the free lawyer tell you about Exceptional Case Funding?   | <b>Yes</b><br><input type="checkbox"/>   | <b>No</b><br><input type="checkbox"/>               | <b>Don't Know</b><br><input type="checkbox"/>                            |



|   |   |  |  |
|---|---|--|--|
| <p><b>*Only ask this question if they answered in 12a that the reason the lawyer didn't take on their case was because it was not covered by legal aid.</b></p> |   |  |  |
| <b>ADVICE BY VIDEO LINK</b>   |   |  |  |
| 13  | <p>If you had a choice between seeing a lawyer in person or seeing one by video link, which would you choose?</p> <p> <input type="checkbox"/> Seeing a lawyer in person         <span style="margin-left: 200px;"><input type="checkbox"/> Seeing a layer by video</span> </p> |  |  |
| 14  | <p>Please explain why you gave your answer to the above question:</p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>   |  |  |
| 15  | <p>If you had a choice between not seeing a lawyer or seeing a lawyer by video link, which would you choose?</p> <p> <input type="checkbox"/> Seeing a lawyer by video link         <span style="margin-left: 200px;"><input type="checkbox"/> Not seeing a lawyer</span> </p>  |  |  |
| 16  | <p>Please explain why you gave your answer to the above question:</p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>   |  |  |
| 17  | <p>What would you think of the option of seeing a lawyer only once in person and after that only by video link?</p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>   |  |  |



|  |   |   |   |
|--|---|---|---|
|  |   |   |   |
| <b>QUESTIONS ABOUT GETTING INFORMATION</b> |   |   |   |
| 18   | Have you ever used the internet to research your case?  | <b>Yes</b><br><input type="checkbox"/>        | <b>No</b><br><input type="checkbox"/>       |
|  |   | <b>Don't Know</b><br><input type="checkbox"/> |   |
| 19   | Please list any websites that were blocked when you tried to access them to research your case. |   |   |
| 20   | What has been your experience with the ICT/computer room in general?                            |   |   |
| <b>ADDITIONAL QUESTIONS</b>                |   |   |   |
| 21   | Did speaking to BiD help you understand how to apply for bail?                                  | <b>Not at all</b><br><input type="checkbox"/> | <b>A little</b><br><input type="checkbox"/> |
|  |   | <input type="checkbox"/>                      | <input type="checkbox"/>                    |
| 22   | Any additional comments   |   |   |



# **BiD** Bail for Immigration Detainees

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