

Free legal advice

# A legal guide for people in detention facing removal to France



## About Bail for Immigration Detainees:

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Bail for Immigration Detainees (BiD) is a national charity that provides legal advice and representation to individuals held under immigration powers to secure their release from detention. We also provide legal advice to people in detention who are facing deportation. BiD works with people in all detention centres in the UK, and with people held under immigration powers in prisons.

We provide free legal advice, information and support to people in immigration detention to help them exercise their right to liberty and access to justice, and to help them challenge their removal from the UK.

We prepare and present (free of charge) applications for release on bail

We carry out research and use evidence from our legal casework to influence decision-makers, including civil servants, parliamentarians, and regulatory bodies through policy advocacy.

To get free legal advice please call our advice line on 020 7456 9750 (open Monday - Thursday between 10am and 12pm).

## Disclaimer

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Although every effort is made to ensure the information in this factsheet is accurate and up to date, it should not be treated as a complete and authoritative statement of the law. BiD cannot be held liable for any inaccuracies and their consequences. The information in this factsheet is not legal advice. If you have a legal problem, you should talk to a lawyer or legal adviser before deciding about what to do.

Please check that this factsheet is up to date before using it. Please also check whether BiD has written other factsheets or leaflets that might be relevant to you. All BiD factsheets and leaflets can be found at [www.biduk.org](http://www.biduk.org).

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## How do I know if I am facing removal to France?

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- You will have been issued with a ***Notice of Intent*** which is a decision telling you that the Government is thinking of sending you to France because it believes that you arrived in the UK from France.
- The letter will inform you that you can make representations to the Home Office as to why you should not be forced to leave the UK to go to France or to another country that the Home Office considers to be safe.
- The letter will say you have 7 days to make your representations; however, you can request a time extension if you need additional time to make representations or submit evidence (also see below).
- **You must respond *quickly* in all circumstances.**

## About the UK & France Agreement

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**If the UK intends to send you to France, it can only do so if:**

- It makes an application to France within **14 days** of your arrival in the UK for you to be returned there
- France replies within **14 days**
- France can extend this time period to **28 days** in exceptional circumstances
- You have either not applied for asylum or your asylum claim has been declared 'inadmissible' (meaning the UK has refused to consider it)

This timeframe means that the **maximum time** the Home Office has to agree on your removal to France is **42 days**.

The UK-France Agreement sets out an end-to-end process which is to last up to **three months** from your arrival in the UK.

## Finding a lawyer

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Responding to a Notice of Intent can be a difficult and complex area. **You are strongly advised to find a lawyer as soon as possible to make submissions to the Home Office.**

You can obtain the help of organisations that visit detention centres and may be able to help you find a lawyer; or that provide legal representation to people in detention, or a legal aid lawyer. There is a list of organisations that may be able to help on [page 7](#) of this guide.

**You have a right to receive legal advice to challenge your detention and your proposed removal to France.**

You should **act quickly**, and you should keep a record of your attempts to find legal advice and representation as this may help explain any delay in you being able to find advice.

## What you can do

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It is best to find a lawyer who can help you, but if you do not have a lawyer, you can follow the practical steps below yourself.

1. Respond to the Notice of Intent
2. Request information from the Home Office
3. Apply for release on bail from immigration detention

### **Responding to the Notice of Intent**

If you are being considered under the UK-France agreement, you will receive a Notice of Intent.

You should write to the Home Office within 7 days of receiving a Notice of Intent providing reasons why you believe the UK should consider your claim. We have provided a template letter you can use to do this on [page 8](#) of this guide.

If you have reasons why you believe you should not be returned to France, it is important to include these in your letter. This may include the following information:

- If you have family in the UK with whom you wish to remain
- If you have ever previously been tortured or suffered ill-treatment; or you have been trafficked to the UK; or you suffer from any physical or mental health problems.

If you do not have a lawyer, you may want to ask for an extension of time by explaining why more time is needed in your circumstances.

**Request information from the Home Office after 14 and 28 days after you arrived in the UK**

The UK-France Agreement sets very specific timeframes. You can ask the Home Office for information on what steps they have taken and when.

If they are not acting within these timeframes or cannot provide evidence that they have done so, you can request to be released from detention.

We have provided a template letter on [page 10](#) which can be sent 14 days after your arrival and a template letter on [page 11](#) which can be sent 28 days after your arrival.

**After 14 days** of being in the UK, you can write to the Home Office to ask them if they have made an application to France in line with the time frames in their policy.

If you are worried that writing to them after 14 days could make the Home Office more likely to keep to the timelines, you can wait until 28 days to ask for this information.

**After 28 days** from your arrival to the UK, if you do not have any evidence that France has responded to the Home Office or requested an extension, you can write to the Home Office to ask:

- Has the Home Office made an application to France within 14 days?
- Has France responded within 14 days of that request?
- If France has made a request for it to be given an extra 14 days (a total of 28 days) to reply.

If the Home Office cannot provide you with evidence that it has taken steps to remove you to France, you can ask to be released.

We have provided a template letter on [page 10](#) which can be sent 14 days after your arrival and a template letter on [page 11](#) which can be sent 28 days after your arrival.

### **How to send your letters:**

The letters should be provided to an Immigration Officer at the place where you are detained. If possible, this should also be sent by email to the Home Office at [nrpc-correspondence@contactus.homeoffice.org.uk](mailto:nrpc-correspondence@contactus.homeoffice.org.uk).

**Keep a copy of your letter and keep records (dates and times) for when you gave the letter to the Home Office and keep all replies.**



## Applying for Bail or Release from Detention

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After you have been in the UK for at least 8 days, **you can apply to the First-tier Tribunal (this is a court) to be released from detention. This is called immigration bail. To do this you need to use a B1 application form.**

In your bail application, you should:

- Explain that you have replied to the Notice of Intent, and (if true) that no decision on inadmissibility has been made yet.
- Include details of any mental or physical health problems that are getting worse because of detention.
- Your bail application will usually be stronger after 14 days and again after 28 days (counted from the date you arrived in the UK) if the Home Office has not shown that they are following the required timeframes of the UK-France Agreement.

**You can find out more information about applying for bail by visiting [www.biduk.org/advice](http://www.biduk.org/advice) and reviewing our guide on How to Get Out of Detention Guide or by calling BID on 020 7456 9750 (Mondays to Thursdays between 10am and 12pm).**

## Organisations that can help

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### Organisations that can help you find a lawyer

- Detention Action – 0800 587 2096 (freephone)
- Association of Visitors in Detention – [enquiries@aviddetention.org.uk](mailto:enquiries@aviddetention.org.uk) or 020 7281 0533
- JRS UK – 07856 309908 – [detentionuk@jrs.net](mailto:detentionuk@jrs.net)
- Women for Refugee Women – 07832 398 796 or [gemma@refugeewomen.co.uk](mailto:gemma@refugeewomen.co.uk)
- Gatwick Detainee Welfare Group – 0800 389 4367 (freephone) Monday to Friday 9:30am and 5pm - [info@gdwg.org.uk](mailto:info@gdwg.org.uk) – fax 01293 544916
- SOAS detainee Support – [s.det.sup@gmail.com](mailto:s.det.sup@gmail.com) or 07438 407570

- Beyond Detention (for people detained in Yarl's Wood IRC only, freephone) - 0800 3101 992 or [info@beyonddetention.org](mailto:info@beyonddetention.org)

### **Medical organisation that may be able to provide help**

- Medical Justice – [med@medicaljustice.org.uk](mailto:med@medicaljustice.org.uk) or 020 4551 1280

### **Immigration and Asylum Lawyers and legal representatives that may be able to help**

- Asylum Aid – [advice@asylumaid.org.uk](mailto:advice@asylumaid.org.uk) or 020 7354 9631.
- Duncan Lewis solicitors – [ToufiqueH@duncanlewis.com](mailto:ToufiqueH@duncanlewis.com), 033 3772 0409
- Joint Council for the Welfare of Immigrants – 0800 160 1004 (Mondays, Tuesdays and Thursdays, 10am-1pm)

If you are detained at an Immigration Removal Centre you may be able to see a lawyer on the Duty Detention Advice Scheme. If a lawyer says they can take on your case, you should ask them if they have the capacity to work quickly and urgently and if they will be able to consider any high court action that may need to be taken in your case. You may also be able to find an immigration lawyer using the Legal Aid Agency's 'Find a legal aid adviser' page [here](https://find-legal-advice.justice.gov.uk/) or at: <https://find-legal-advice.justice.gov.uk/>

## **How to contact BID for free legal advice**

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### **Advice line**

If you are detained under immigration powers in a prison or removal centre, you can get free legal advice by calling us at 020 7456 9750, Monday to Thursday, 10am–12pm.

### **By writing to us (you do NOT need a postage stamp) at:**

'Freepost BID London'

*Please note you do not need a stamp, simply write 'Freepost BID London' on the envelope and post it.*

### **Website**

You can find more legal guides and resources on our website [www.biduk.org/advice](http://www.biduk.org/advice).



## Template letters

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*Please keep a copy and hand a copy to an Immigration Officer or Welfare Officer at the place where you are detained. Please also email it to:*

*NRPC-correspondence@contactus.homeoffice.gov.uk*

*Please find the following template letters below:*

1. Letter in Response to the Notice of Intent
2. Letter that may be sent to the Home Office 14 days after arrival in the UK
3. Letter to be sent 28 days after arrival in the UK

You can download a word document version of this here:

### **Template 1: Response to the Notice of Intent (to be sent within 7 days)**

*This is a letter to send within 7 days of receiving a Notice of Intent to ask for time to find a legal representative; and/or to notify the Home Office of exceptional circumstances; and ask to be released on bail.*

Date:

Dear Home Office,

I have been detained and I have received a letter from the Home Office that says I may be removed to France. I do not have a legal representative who can help me and I urgently need expert legal advice so that I can respond to the letter which raises difficult legal issues. I therefore ask that you give me an extension of time so that I can find a lawyer to help me.

Please note that (tick any that apply):

- ☐ I have previously suffered torture or inhuman treatment
- ☐ I have been trafficked to the UK
- ☐ I have mental health problems
- ☐ I have physical health problems
- ☐ I have family in the UK (add names and relationships):

I therefore need legal advice to make submissions to the Home Office.

In these circumstances and because my removal is not imminent, I also ask that I am released on bail. If this is refused, I ask that reasons be given to me now to explain why I am being detained.

I have also asked a charity to help me to find a lawyer urgently. The organisation is [ENTER NAME OF ORGANISATION] and their contact details are [ENTER CONTACT DETAILS].

Yours faithfully,

[NAME],

[HOME OFFICE REFERENCE NUMBER]

**Template 2: Letter that may be sent to the Home Office at least 14 days after arrival in the UK**

*You do not have to send this letter if you are worried it will bring the Home Office's attention to your case. But if you do send it, we recommend you do so at least 14 days after your arrival in the UK.*

*This letter is to ask whether the Home Office have made a referral to France within 14 days and if they have not, to ask to be released.*

Date: [TODAY'S DATE]

Dear Madam/Sir,

**RE: Urgent request for confirmation of UK's application for readmission under the UK-France Agreement 2025**

I am writing to you because I am currently being detained in [PLACE OF DETENTION] under the UK-France Agreement 2025 ("the Agreement"). I arrived in the UK on [ARRIVAL DATE] and as such, on or before [ARRIVAL DATE + 14 DAYS], the UK should have submitted an application for readmission ("Application") to France, per Article 8(1) of the Agreement.

I urgently request confirmation and evidence that an application has been made to France and the date when the application was made.

In the event that the UK has not submitted the Application to France before [ARRIVAL DATE + 14 DAYS], please release me on bail immediately as it appears I am no longer considered under the scheme for removal to France.

I also ask that I am released on bail as (tick any that apply):

- ☐ I have previously suffered torture or inhuman treatment
- ☐ I have been trafficked to the UK
- ☐ I have mental health problems
- ☐ I have physical health problems
- ☐ I have family in the UK (add names and relationships):

Yours faithfully,

[NAME],

[HOME OFFICE REFERENCE NUMBER]

**Template 3: Letter to be sent at least 28 days after arrival in the UK**

*This letter covers the same points as template two but also asks for evidence that France has responded to the Home Office or requested an extension within the timeframes allowed by the policy. We recommend you send this letter at least 28 days after your arrival in the UK.*

Date: [TODAY'S DATE]

Dear Madam/Sir,

**RE: Urgent request for confirmation of France's reply under the UK-France Agreement 2025**

I am writing to you because I am currently being detained in [PLACE OF DETENTION] under the UK-France Agreement 2025 ("the Agreement"). I arrived in the UK on [ARRIVAL DATE] and as such, on or before [ARRIVAL DATE + 28 DAYS], France should have submitted a reply to the UK's application for readmission, per Article 8(2) of the Agreement, or, France should have requested an extension from the UK.

I urgently request confirmation and evidence whether France has accepted or refused the UK's application for readmission, or, whether France has requested an extension, and if so, when was this submitted to the UK?

In the event that France has not submitted the reply to the UK or requested an extension from the UK before [ARRIVAL DATE + 28 DAYS], per Article 8(2) of the Agreement, France's

reply shall be considered negative. As such, please release me on bail immediately as it appears I am no longer considered under the scheme for removal to France.

I also ask that I am released on bail as (tick any that apply):

- ☐ I have previously suffered torture or inhuman treatment
- ☐ I have been trafficked to the UK
- ☐ I have mental health problems
- ☐ I have physical health problems
- ☐ I have family in the UK (names and relationships):

Yours faithfully,

[NAME]

[HOME OFFICE REFERENCE NUMBER]