

Bail for Immigration Detainees

Annual Report 2007

BiD Bail for
Immigration
Detainees



Challenging
immigration detention
in the United Kingdom

“ The treatment of asylum seekers is important for the men, women and children seeking asylum in the UK. But it is also important for those of us who are not asylum seekers. This is because the UK’s approach to migration – and its treatment of asylum seekers in particular – says something about the society we live in and the kind of country we want to be. The human rights principles and values of democratic societies must guide the country’s behaviour towards asylum seekers and its relationships with other countries from which asylum seekers originate.”

Joint Committee on Human Rights report on the Treatment of Asylum Seekers, March 2007

BID Annual Report 2007

BID believes that asylum seekers and migrants in the UK have a right to liberty and should be protected from arbitrary and prolonged detention by effective and accessible legal safeguards.

Our mission >>>

BID is an independent charity that exists to:

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

Our activities >>>

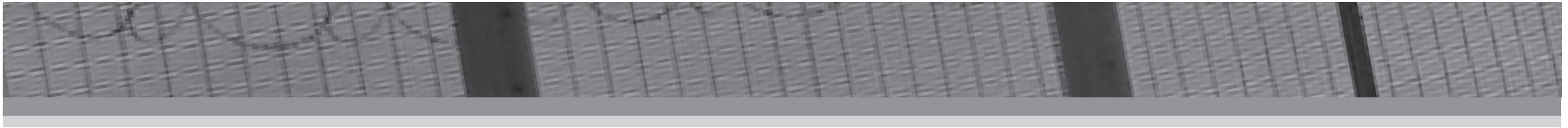
- Providing free information and support to detainees to help them exercise their right to liberty and make their own bail applications in court.
- Preparing and presenting free applications for release on bail or temporary admission for detainees.
- Carrying out research and using evidence gathered to campaign to end arbitrary detention.
- Documenting and publicising injustices we see.

"We believe that current policies for the detention of asylum seekers potentially lead to human rights breaches under the ECHR, in particular the right to liberty under Article 5. Asylum seekers should only be detained at the end of the process if their application has been fully and properly considered and where there are travel and other documents in place to ensure that the removal happens swiftly and detention does not become prolonged."

Joint Committee on Human Rights report on the
Treatment of Asylum Seekers, March 2007

Chair's report

The pages of this report tell an important story. They show how a small, independent charity can make a palpable difference to the lives of individuals who are amongst the most vulnerable in our, or any, society. They explain how carefully thought out research and projects can shine a light on unfair, abusive and discriminatory asylum and immigration policies. And they illustrate why the protection of fundamental human rights is the responsibility of all of us.



It is perhaps to be expected that charities such as BID will describe the challenges they face as difficult. Indeed, the individuals who work here and the others who support us would not be involved if it was otherwise. But the last year has been immensely successful in so many ways. Despite the many changes of personnel, we have been able to create an organisational structure, and continue a strategic approach, that has enabled us to direct our resources in the most effective way possible. We have a clear vision of how we intend to ensure that the unfairness perpetrated by an illiberal system of immigration detention is minimised and, eventually, brought to an end. Of course, we do not pretend that our task will be easier in the future. We will soon have to deal with proposed fundamental changes to the asylum system, and also have to decide what position we take on the question of foreign national prisoners. However, the strength of our organisational structure is such that I believe we are well-placed to deal with what appear to be never-ending changes to the legislative system, as well as the numerous policy initiatives that will doubtless be announced by government in the next year.

There is no doubt that BID has had an impact in the field that it is disproportionate to its size. Indeed, in my time as a trustee, the phrase most often used by individuals describing the

organisation is that it "punches above its weight." Such an impact would not be possible without the contribution made by so many people. Celia Clarke, in her report, has eloquently described the way in which various individuals have enabled us to achieve some of our goals, including the volunteers and advocates who give their time so generously. On behalf of the trustees, I would also like to pay tribute to them. And whilst it may appear invidious to do so, I would extend an additional thank you to our staff. At a time when we have gone through great organisational change, both in terms of personnel and the composition of the trustee board, it is impossible not to be struck by the day to day commitment they have shown. They work incredibly hard to ensure that detainees are able to realise their fundamental right to liberty. It would be easy for them to become despondent, particularly in the light of what is sometimes an openly racist and jingoistic attitude from sections of the media and parts of government. Despite this, they remain optimistic and energetic, qualities that play such an important part in achieving real-life results.

So, if you are reading this report as somebody already associated with BID, I trust that you will find it a careful, measured but ultimately inspiring document that makes you proud to be part of our work. And if you are not yet involved with us, I hope that it gives you an insight into some of the things we do and perhaps

encourages you to play an active part in our work or in the field of immigration detention in some way. But, whoever you are, as you read this report, I believe you will be convinced that the detention of people who have committed no offence in seeking entry to the United Kingdom is an affront to the dignity and respect of those individuals, and a matter of profound concern to all of us who believe in the right to liberty.

Rajeev Thacker
Chair

Director's report

The United Kingdom has a legal obligation as a signatory to the Refugee Convention to offer sanctuary to those fleeing persecution. And yet its asylum system seems geared towards denying such sanctuary, and making it as difficult as possible for those who find themselves in such an unenviable position. The emphasis on rapid decision-making leading to either integration or removal in the New Asylum Model, coupled with the 'tipping the balance' government target for the number of 'failed' asylum seekers removed to exceed the number of new 'unfounded' claims received hardly give an impression of openness and objectivity. And the use of detained fast track processes, which permit the government to deprive people of their liberty while their asylum claims are being decided, is surely more in keeping with repressive regimes intent on restricting people's human rights, than a country which prides itself on its 'fair play'.

It is precisely this detained fast track system of processing asylum claims that BID sought to challenge last year with two pieces of groundbreaking research, one into the detained fast track for men at Harmondsworth, and the second for women at Yarl's Wood. Our research methodology employed a mix of interviews with detainees, legal representatives, judges and others with records of

court hearings. We found that the system is too fast to be fair, and that many detainees are unrepresented at appeal. We also found many instances where survivors of torture and rape and people with severe mental and physical health problems are detained in contravention of the government's own policy. These worrying findings were published and public meetings held, one in parliament, to highlight BID's concerns. Although there has been no official response to BID's research, we will not let this matter drop. We owe it to the people whose experiences were described in such harrowing detail and who face a culture of disbelief and suspicion, with the scales of justice so heavily weighted against them.

Our fast track research is an excellent example of the power and cogency of BID's work. Evidence from casework informs and guides BID's policy work, which targets very precisely the areas of concern which are most crucial to our clients. Last year, we focused on the fast track, access to legal representation for detainees, and the detention of families with children. In addition to our fast track research, BID worked with the Legal Services Commission to convey our concerns about access to legal representation for detainees, particularly in the light of proposed changes to

Did you know?

Nearly 30,000 people a year, nearly all of them asylum seekers, are locked up in detention centres and prisons in Britain.

Did you know?

Immigration detainees are locked up without trial, without time limit and with no automatic bail hearing.

Did you know?

Children of asylum seekers in the UK can be locked up for indefinite periods with their families.

Did you know?

Torture and rape survivors are locked up in detention centres even though the Government says they should not be.

Did you know?

It costs an average of £883 per week to lock up an asylum seeker.

Director's report continued



legal aid. And our work to end the detention of families with children was given a higher profile through our collaboration with Save the Children and the Refugee Council in a public campaign, No Place for a Child.

At the heart of everything we do though is the legal advice and information we provide to detainees. We try to support anyone who needs our help. We do this through our telephone helplines and through our workshops in detention centres. We also make a small number of bail applications ourselves. The large numbers of people who approach BID for help can sometimes mean making difficult decisions about who to prioritise for direct representation. So we try to equip detainees with the tools to challenge their own detention while recognising that it is very far from a level playing field, and that knowing how to challenge detention is no substitute for high quality legal representation.

The past year has been one of great change for BID. Already coming to terms with the departure of its founding Director, Tim Baster in early 2006, BID faced further staffing changes during the year with four staff members leaving and two going on maternity leave. With a paid staff of just eight, this represented a huge turnover. We also had two locum staff members during that time. I want to thank all those who moved on during the year for their

commitment and contributions to making BID the organisation it is today. And I want to say a special 'thank you' to Sarah Cutler who left after almost five years managing BID's campaigning, policy and research. It is largely due to Sarah's efforts that BID's policy work commands the respect it does. Our publications are highly regarded and widely consulted and BID, rightly, has a reputation for excellence in the field. The evidence base, rigour and analysis that, on Sarah's insistence, underpin BID's publications lend them their legitimacy and it is this legacy that we intend to continue.

BID was chosen to participate in a study conducted by CENTRIS to assess the positive contribution of voluntary organisations in a range of settings and to analyse how the changing funding environment is affecting the work of such organisations. In the invitation to participate in the study (funded by a group of charitable trusts), they said "We have put Bail for Immigration Detainees forward as part of a possible sample for a study of good practice". We were one of just 11 organisations that formed the core of the UK-wide study. The end result was an extremely useful and positive evaluation. This, and a second successive increase in overall income is, I believe a measure of the confidence funders have about the quality of BID's work, and the need for the service we provide.

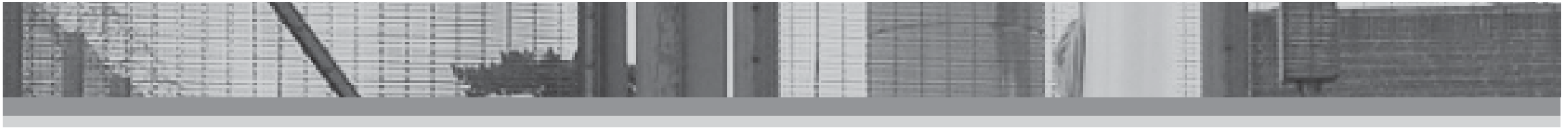
I feel enormously privileged to be the Director of BID and to contribute, in however small a way, to upholding the rights of those in detention, which seem constantly to be eroded and chipped away at, little by little. And there are so many others who play their part in this whose contributions I want to recognise, and to whom I am so grateful: BID's staff and volunteers, who give their time so unstintingly; BID's trustees who are available for support and encouragement, and who provide valuable scrutiny of what we do; the barristers who volunteer their time to represent detainees in court; voluntary organisations who support detainees in other ways; and, finally, our funders who place their trust in us and our work and without whom none of this would be possible.

Celia Clarke
Director

Bail Casework and Right to Liberty

"We were concerned about the lack of help with bail. A detainee who had just returned from an unsuccessful bail hearing, at which he was unrepresented, showed us the document given to him by the court following refusal which said: 'Served with ICD 0350 notice of asylum claim to be refused under S.72 and given 28 days to 14/7 for rebuttal of notice.' He had no idea what it meant and neither did we."

HM Chief Inspector of Prisons, report on an unannounced inspection of Harmondsworth Immigration Removal Centre, July 2006.



Last year, BID's three offices in London, Portsmouth and Oxford provided support to 1,927 people held in immigration detention. A further 1,222 people benefited from telephone advice. We applied for bail or temporary admission for 196 people: 111 were released and 85 refused. Because demand for BID's services is so high, we can only take on a limited number of cases. We prioritise people with mental or physical health problems, survivors of torture or rape, long-term detainees and others either detained in contravention of the Home Office's own policy, or unable to help themselves. One worrying development in casework for BID staff was the reaction by the Home Office to the 'foreign national prisoner' scandal in the press, in which foreign nationals at the end of their prison sentences were being held in immigration detention pending a deportation order being served, even if this had not been deemed necessary by the judge at their criminal trial. BID even uncovered British citizens with foreign-sounding names being held in immigration detention beyond the end of their sentence. Another worrying development was the criminalisation of those entering the UK on false passports, which is often the only way someone seeking asylum can escape persecution. And we have become increasingly concerned about the low rate of success for bail applications, which is even lower than last year at just under 25%.

Right to Liberty

BID's Right to Liberty project helps people held in immigration detention to apply for bail themselves. We do this mainly by running monthly workshops in Dover, Haslar and Campsfield House immigration removal centres, and fortnightly workshops in Yarl's Wood. We also hold individual legal advice surgeries at Campsfield House every two weeks. During the last year 687 people attended our bail workshops and 138 people benefited from the surgeries. Of those who attended workshops, 108 were either bailed or released on temporary admission. 84 of them were removed from the country, 97 are still in detention, and we have lost contact with the others.

We have also produced a self-help book, *How to Get out of Detention*, available in all IRC libraries and on request. During the last year, this book was re-written partly as a result of feedback from detainees who found it over-complex and wanted it condensed into one volume rather than two. It also needed updating to reflect recent developments in the law. Copies of the new publication were sent to all detention centre and prison libraries.

"May I thank you for your yellow colour publication titled BID, which was very handy. I myself represented myself at AIT and was granted a bail, and success come due to your book which gave me enormous help during and before preparing my bail hearing."

"We want BID to indulge in mass education of British public that there need to be a change of course from anti asylum and anti immigration."

"God bless and thank you for this information. It's really good, keep it on. It's essential."

BID South

It has been a challenging year for BID South with lots of disappointment, due in particular to the difficulties of gaining release for the large numbers of foreign national ex-prisoners, many of whom have been detained for over a year. But we have had many successes and there is much to be proud of, as the following statistics and client feedback show.

During the year we supported 326 detainees and listed 111 bail applications, 22 of which had to be withdrawn. 34 applications were successful and 55 were refused. Twelve detainees successfully applied for bail either with the help of a solicitor or by themselves and 53 were released on temporary admission.

20 client feedback forms were returned. 100% of those clients who returned the forms were satisfied with the service offered, even if their bail application had not been successful. No complaints were received.

The long-anticipated workshops in Haslar, due to start in October 2006, took some time to get off the ground. BID took over the running of the bail surgeries previously delivered by Portsmouth Minority Support Group in the meantime, and in July 2007 we were able finally to start delivering bail workshops.

D- An asylum seeker from Iran detained for 9 months despite being a victim of torture. His solicitor made no attempt to have the detainee assessed by a doctor that could provide a medico-legal report or apply for bail.

B was an asylum seeker from the Democratic Republic of Congo. He was detained at home in January 2007 despite complying with all bail conditions since release from prison in January 2005 and having a fresh asylum claim outstanding. He had a settled address with his wife and child who both suffered severe health problems and needed him at home. There seemed to be no reason for the detention other than the desperation of the Home Office to get rid of as many DRC asylum seekers as possible before the new country guidance case of BK was decided. He had inadequate legal representation and we successfully took over the bail case in July and referred him to a better solicitor.

C, an asylum seeker from Iraq, was detained for a year despite a documented high risk of suicide and previous attempt to hang himself, in addition to the fact that he was not removable at the time. The solicitor was not prepared to apply for bail.

In May, BID South took over responsibility for running workshops at Dover IRC from the London office, and for providing follow up. An alarming finding was that, although the Legal Services Commission funded Detention Duty Advice scheme had been operating for some time, there were many detainees who still did not have a solicitor and some had never been given any information on how they might access the DDA. In addition to helping detainees organise their own bail applications, the bail workshops provided a valuable service by helping them to access solicitors, organisations that help with addresses, Bail Circles, and visitors groups. The feedback from the workshops has been very positive, and the detainees report that they are grateful that BID is prepared to help them when often no one else can or will.

And finally, BID South's volunteers have done an incredibly good job and our many successes could not have been achieved without them. Many thanks go to: John Bingham, Patricia Bingham, Mary George, Michael Heaps, Jane Smith, Laura Del Nevo, Jean Christie, Claire Seymour, Sue Mullan and Mike Brown for all their diligence and hard work.

A- from Ghana was arrested on arrival for travelling with a false passport in April 2005 and served six months in prison before being transferred to immigration detention. The Home Office continually thwarted his attempts at bail by moving him between detention centres in Scotland and England. He also had to manage the appeals process himself as it was too difficult to secure legal representation. He was in Colnbrook when he contacted us in November 2006, but it was July 2007 before we could list because of the constant moves. Thankfully, we were successful on our first attempt and the detainee was finally released after two years and three months imprisonment.

A's treatment is typical of a Home Office that now seems to routinely detain people, often for extended periods of time, without giving proper consideration to the legality of their decisions, or the impact on the detainees and their families of their arbitrary decision making.

BID Oxford

Two major events took place over the last year in Campsfield House. On one occasion detainees set fire to several dormitories. This was due to frustration, conditions at the centre and lack of access to legal representation. On another occasion 24 detainees escaped after a disturbance and apparently at least ten of them are still at large.

BID Oxford is now in its seventh year of operation providing legal advice and information on bail to detainees held in Campsfield House IRC. It has one paid staff member working 2.5 days per week and is assisted by up to four volunteers at any one time. In addition to BID Oxford's long term volunteers, Gill Baden and Michael Hall (registered at Level 2 and 3 with the OISC), BID Oxford has been supported by two interns (Rosaline Mhlanga and Teresa Rowe).

This has been perhaps the most controversial and challenging year in the history of BID Oxford. A new allocation system for bail applications was introduced in March 2007, compelling BID Oxford to list and run all bail applications from Campsfield House at the Asylum Immigration Tribunal (AIT) hearing centre in Wales. We have been concerned at how difficult it has become to secure bail and the increasingly high thresholds being used by immigration judges. This has had an impact on morale, both for detainees and staff.

During the year we supported 358 detainees who requested help from BID in relation to bail. We listed 33 bail applications, eight of which were successful. One of our main problems has been to get advocates to travel to AIT Newport.

J had been detained by the Immigration Service for more than 14 months for the purpose of deportation, but at no time during this period had there been a prospect of deportation. J had acted as a police informant for the Metropolitan Police Authority for several years and feared for his life if sent back to his country of origin. His High Commission was aware of the circumstances and refused to process the request for a travel document. In a letter addressed to BID, the High Commission stated clearly that the immigration authorities owed a duty of care to this individual. J could create a legal precedent and for this reason the case was given a high priority and allocated to the Special Operations Unit of BIA. The FCO also intervened, requesting that the High Commission issue a travel document. The High Commission maintained their position and refused the request. BID represented the client in a recent bail application and finally the Judge granted bail to J as the scope of detention couldn't be justified.



We have been continuing to run bail workshops inside Campsfield House. By doing a workshop, BID can support a large number of detainees in half the time taken to prepare and present one bail application, enabling us to reach more people. The workshops are proving very popular, with each session attracting up to 60 detainees. Where detainees have solicitors acting for them, we stress that they should be advising them on their options in relation to bail; if detainees do not have a legal representative, then we encourage them, where appropriate, to make their own bail applications. The workshops also provide a useful insight into what is happening within the detention centre. These workshops are held regularly on the last Thursday of the month. So far we have run nine workshops and have registered at least 271 attendees.

Another successful project run by BID Oxford is the Bail Advice Sessions, which are run on the first Wednesday of every month. Through the advice sessions detainees are provided with half an hour of individual legal advice. Again, this service is extremely popular and each time the sessions are overbooked. Last year, 138 detainees benefited from this service. We had two clients who won their case via appeals while in detention. One of them was a Deportation Order case. They have now been granted status in the UK.

In August 2006, the office moved from Botley to premises in Cowley Road, above Asylum Welcome, a registered charity responsible for providing advice and assistance to refugees and asylum seekers in the Oxford area. Medical Justice set up a branch in Oxford during the year and so far we have referred seven cases to them. We are extremely grateful to Dr Groom and Dr Bird for their pro-bono work with us.

Over the past year several students and committed individuals offered their services and volunteered for BID Oxford; Trisha, Clare, Viral, Cristina, Jane, Natasha, Kudzai, Jane. A special thank you to Michael Hall who has been involved with BID for the past six years and who will shortly be moving to Australia.

BID Oxford is really grateful to FRU advocates, who have given their time and devotion to assist us with representation in bail cases. We have really had tremendous services and advice from barristers, without which it would have been impossible to succeed.

C had been detained for the purpose of removal for two and a half years in immigration detention. He had previously been refused bail on several occasions, mainly because it was alleged he had not cooperated with the documentation process. However, C had cooperated fully for the previous nine months. C was finally bailed to a Home Office address, in spite of having no sureties. Further enquiries via a subject access request revealed that the Immigration Service had not actually bothered to apply for a travel document for C, although it had spent around £160K of taxpayers' money to detain C. We referred the case to C's MP, as the Immigration Service failed to comply with the provisions of the Data Protection Act by refusing to supply BID with relevant documents in relation to C's detention.

Detained Families

"We find the attitude of the Home Office towards families facing removal troubling."
Joint Committee on Human Rights report on the Treatment of Asylum Seekers, March 2007



Detained Families

During 2007, BID continued its work to end the detention of families. We provided support to 45 families (with over 60 detained children), taking on 21 of these. We applied for bail for nine families – sometimes a number of times for the same family – and made seven referrals for civil actions, substantive immigration cases and judicial reviews. As always, much time was spent finding good legal representatives, something that is proving harder and harder to do in the face of changes to legal aid funding. Thankfully, there are still some excellent representatives who remain committed to our principles despite today's increasingly restrictive climate.

The aim of the detained families' project is not just to release those families in detention but to challenge the government's policy to detain families and push for an end to the detention of children. The policy aspect of this work is described in greater detail in the section headed 'Research and Policy'.

During the year we worked with families whose children were inside and outside detention. The longest period of detention experienced by a family supported by BID in 2007 was one year and six months (the child was separated from the mother who was detained) and the shortest period was ten weeks with the child in detention.

We have worked with parents who have been separated from their children for many months following their detention after the completion of a criminal sentence, parents whose children have been separated from each other in separate social services placements, and parents whose children have been in detention with them – in BID's view none of these situations is acceptable. It is for this reason that the detained families' project continues to lobby those who have the power to end this arbitrary policy.

"Thanks for your good office BID. For the representation in my bail hearing today, even though the bail was refused by the immigration judge. My representative today really tried her best and done her job very nice. I am grateful for all what your office has done for me."

" I am a little girl...I am begging you do not punish me. I have done nothing wrong. Think about my future which will be destroyed if you send me back to Nigeria.

My mother has been living here now for over 14 years. She has made some bad judgements in the past but otherwise she is a good mum...This is where we both call home – UK."

- Extract from a letter to the court, written on behalf of the 8-year old daughter of a client who has been in the UK for 14 years. Her daughter was born here. The client and her daughter are currently living in Home Office accommodation after being given Temporary Admission.

Research and Policy

BID concentrated on three areas for its research and policy work: detained families; access to legal advice and representation; and the detained fast track.

Detained fast track

BID organised a successful public meeting in parliament in October 2006, to discuss our research on Harmondsworth fast track, published in July 2006. The meeting also called for the legal aid cuts to be halted. Attended by more than 90 people, the meeting was chaired by Neil Gerrard MP and addressed by people who had personal experience of detention and by Matthew Davies representing ILPA, and by Wesley Gryk, for the Law Society.

BID's second research report on fast track – this time examining the situation of women fast-tracked in detention at Yarl's Wood – was published and launched at a public meeting in September 2007. The research was based on court observations and interviews with women, as well as analysis of BID's casework and evidence from lawyers and support organisations. It concludes that women are set up to fail in the fast track and calls for an end to the fast-tracking of asylum claims in detention.

BID worked closely with ILPA and other concerned organisations to pressure the Home Office to review the use of detained fast track in light of evidence that it is unfair. This pressure continues

this year. BID has started to attend the Border and Immigration Agency's New Asylum Model stakeholder group and put the issue of detained fast track on the agenda.

Families in detention

A new BID publication *Obstacles to accountability: challenging the detention of families* by Emily Burnham and Sarah Cutler was launched on 1 July 2007. Based on BID's experience of providing free advice and assistance to families with children in detention since 2001, it shows how children are being damaged by immigration detention because

- No special consideration is given to the needs or best interests of children when deciding to detain a family
- Detention is not clearly justified in each case, and existing alternatives to detention are not fully considered
- Families, and children, do not fully understand why they are detained, have no automatic legal representation and their detention is not subject to a time limit or independent review
- Processes for welfare assessments of families and ministerial authorisation for detention beyond 28 days do not protect children from prolonged and harmful detention.

The handbook demonstrates that children in detention do not receive meaningful protection under the Children Acts. It uses

BID's casework experience to highlight how previous government policy has created a separate and inherently unequal system for children in immigration detention, while maintaining a façade of access and equality.

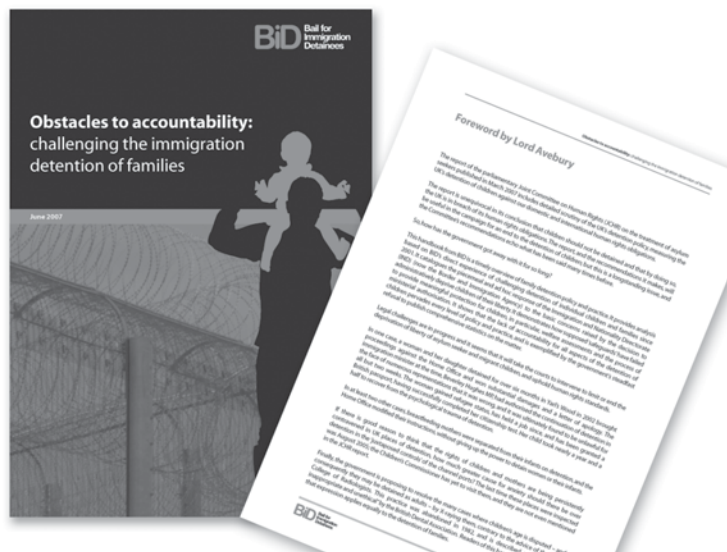
We also produced a bulletin aimed at families in detention, which informs them about their rights and how they can exercise their right to be released.

We facilitated a study by paediatricians and clinical psychologists which assessed the impact of detention on the mental and physical health of 24 children in 17 families referred by BID. Pre-publication findings were unveiled at a meeting hosted by the Office of the Children's Commissioner for England (now '11Million'). Presentations were made by the study authors, BID and an ex-detainee, who had been detained with her children. Attendees included senior officials from Home Office, Legal Services Commission, HM Inspector of Prisons, UNHCR, NSPCC, Yarl's Wood staff and the Independent Monitoring Board, as well as lawyers, NGOs and detainee support groups.

Subsequent to the meeting, the Home Office announced a series of measures concerning detention of families, including a review of family removals and an announcement that a pilot on alternatives to detention would take place in Kent.

Research and Policy

In July, judgment was handed down in the case of *S and others (S & Ors v SSHD [2007] EWHC 1654 (Admin))*, the case was brought by a woman referred by BID to lawyers who challenged her detention and the detention of her two children for three and a half months. The court found that her detention was unlawful. There was also a breach of the Article 8 ECHR rights of the youngest child who developed rickets and anaemia in detention. The Home Office accepted in this case that the Children Act 1989 applies to children in immigration detention. Although this case did not succeed in a ruling that the use of detention for children is in itself unlawful, the judgment was an important step forward and will be useful in other cases.



Access to legal advice

This year saw another round of cuts to the already beleaguered legal aid profession. BID joined with others to oppose the cuts, which will impose a very low fixed fee for asylum and immigration work. BID worked hard to highlight the potential impact of the LSC's proposal to introduce exclusive contracts for all detention work. BID fears that this move, due to come into force in October 2007, but now delayed to April 2008, will not address the lack of access to lawyers for detainees but will be a further obstacle to accessing a lawyer.

In addition to responding to the LSC consultation and providing detailed comments on the LSC's draft Detention Specification, BID arranged two meetings with the LSC and met with then legal aid Minister, Vera Baird QC to highlight the impact of legal aid cuts on women, particularly those in detention.

Access to bail applications

Detainees' ability to access bail hearings has been severely hampered this year by delays in listing bail applications (the responsibility of the Asylum and Immigration Tribunal) and the appalling standards of escort contractors who are repeatedly failing to produce detainees on time, or at all, for their bail hearings. BID has written repeatedly to the AIT and to Ministers

and has responded to several consultations by the AIT about how to deal with the capacity of courts to hear bail hearings. In particular, we have highlighted the difficulties faced by unrepresented applicants. We have complained about the escort problems to the Home Office and referred a number of detainees for civil actions. The response from the AIT and the Border and Immigration Agency has been to introduce video conferencing for bail hearings. BID is extremely concerned that hearings heard in this way may be unfair to the applicant and provide yet another obstacle to release. BID has written to the AIT about this, and published a briefing on our website in June highlighting the urgent need for more information and evaluation before expensive equipment is installed in all ten detention centres.

Travel warrants

BID has also raised the issue of travel warrants for detainees released on bail. If a detainee was released on bail by the court, no provision was being made for their travel, and the cost was being met by friends, family or lawyers. BID raised this issue repeatedly and has finally secured a change in practice so that all detainees going to court will be issued with a travel warrant before the hearing.

Research and Policy

Joint Committee on Human Rights (JCHR) Inquiry into the treatment of asylum seekers

BID submitted detailed evidence of the human rights abuses in immigration detention to the JCHR in September 2006. In January 2007, BID gave oral evidence to the committee, alongside Amnesty International and the Chief Inspector of Prisons. In March 2007, the JCHR's report made recommendations concerning many of the issues raised by BID, in particular, detention of families, fast track, access to lawyers, use of force during removals, inaccessibility of bail processes and the detention of people with serious health needs. The JCHR reiterated the need for an independent review of detention, stating "We do not believe that it is right that the decision to detain an asylum seeker – which goes to the heart of that person's liberty – should be entirely administrative. We recommend that there should be an automatic, prompt, independent judicial review of the decision to detain in all cases after seven days."

Independent Asylum Commission (IAC)

BID gave evidence to the IAC and was a member of the organising committee which supported people who have been detained to give oral testimony at the detention hearing in west London in March 2007. The Commissioners were clearly struck by the powerful evidence presented by former detainees.

Serious disturbances at immigration removal centres (IRCs)

In November 2006, on the same day as HM Inspectorate of Prisons published a highly critical inspection report of Harmondsworth House IRC, a major disturbance occurred. A disturbance at Campsfield in March 2007 was further evidence of serious unrest in the centres. BID gave evidence to the Home Office internal inquiry into the incidents and we publicly raised our concerns about the use and abuse of detention in media interviews and with the Home Office. BID also supported Liberty's demand for a public inquiry into the treatment of detainees.



Campsfield House Immigration Removal Centre

UK Borders Bill

BID provided briefings and case studies to parliamentarians during the passage of the UK Borders Bill. This Bill will, among other things, provide for foreign nationals with criminal convictions to be deported automatically, removing the discretion of the Secretary of State. Based on our casework experience, we raised concerns about the length of time that people will be detained while this process is underway, and the lack of access to immigration and criminal legal representation.

We highlighted our experience of people who should not and can not be removed from the UK, for family, legal or health reasons or because their country of origin dispute their nationality or refuse to issue travel documents for them. Others desperately want to return home, have done everything in their power to assist with their removal, yet are detained for many months. We argued that withdrawing judicial oversight by way of appeal from "foreign criminals" is not a proportionate or legitimate response to issues concerning foreign nationals convicted of an offence in the UK.

Detention of torture survivors and those with serious health needs

BID continued to uncover cases where torture survivors are being detained and has worked with Medical Foundation and the Medical Justice Network (MJN) to expose this. BID was represented on the steering group of MJN.

Financial Information

These summarised accounts have been extracted from the full audited accounts of Bail for Immigration Detainees for the year ending 31 July 2007 and they may not contain sufficient information to allow for a full understanding of the financial affairs of the charity

Statement of Financial Activities for the year ending 31 July 2007

	Restricted Funds £	Unrestricted Funds £	2007 Total £	2006 Total £
Incoming resources				
Incoming resources from generated funds:				
Voluntary income	65,000	171,169	236,169	164,944
Investment income		4,397	4,397	4,539
Incoming resources from charitable activities	117,340		117,340	119,660
Total incoming resources	182,340	175,566	357,906	289,143
Resources expended:				
Costs of generating voluntary income	7,653	717	8,370	3,488
Charitable activities:				
Right to liberty	17,882	39,455	57,337	66,713
Bail casework	44,896	114,181	159,077	171,200
Detained families	30,737	14,576	45,313	41,052
Research & policy	73,399	(8,085)	65,314	56,640
Governance costs	4,000	6,206	10,206	15,924
Total resources expended	178,567	167,050	345,617	355,017
Net incoming/ (outgoing) resources before transfers	3,773	8,516	12,289	(65,874)
Transfer between funds	(2,516)	2,516		
Net incoming/ (outgoing) resources after transfers	1,257	11,032	12,289	(65,874)
<i>Reconciliation of funds:</i>				
Total funds, brought forward	16,696	52,047	68,743	134,617
Total funds, carried forward	17,953	63,079	81,032	68,743

Balance Sheet at 31 July 2007

	2007 £	2006 £
Fixed Assets		
Tangible fixed assets	7,388	4,825
Current Assets		
Debtors	5,926	8,459
Cash at bank and in hand	77,225	66,211
	83,151	74,670
Creditors		
Amounts falling due within one year	9,507	10,752
Net current assets	73,644	63,918
Net Assets	81,032	68,743
Income funds		
Unrestricted income funds		
Undesignated fund	63,079	52,047
Restricted Funds	17,953	16,696
	81,032	68,743

For further information copies of the full audited accounts can be obtained from Bail for Immigration Detainees, 28 Commercial Street, London E1 6LS. The full audited accounts were approved by the Trustees on the 27th November 2007 and have been submitted to the Charity Commission and Registrar of Companies. The audit report thereon was unqualified.

Support us!

I would like to support BID's
work in defending the rights
of immigration detainees

Name:

Address:

Postcode:

Email:

I want to make a donation of

£

Please make cheques payable to:
'Bail for Immigration Detainees'

giftaid it

If you are a UK taxpayer, BID can claim back 28p for every £1 you donate, making your donation worth a third more at no extra cost to you. As long as the amount of tax you pay in a year is equal to or greater than the tax that BID claims back, you will qualify.

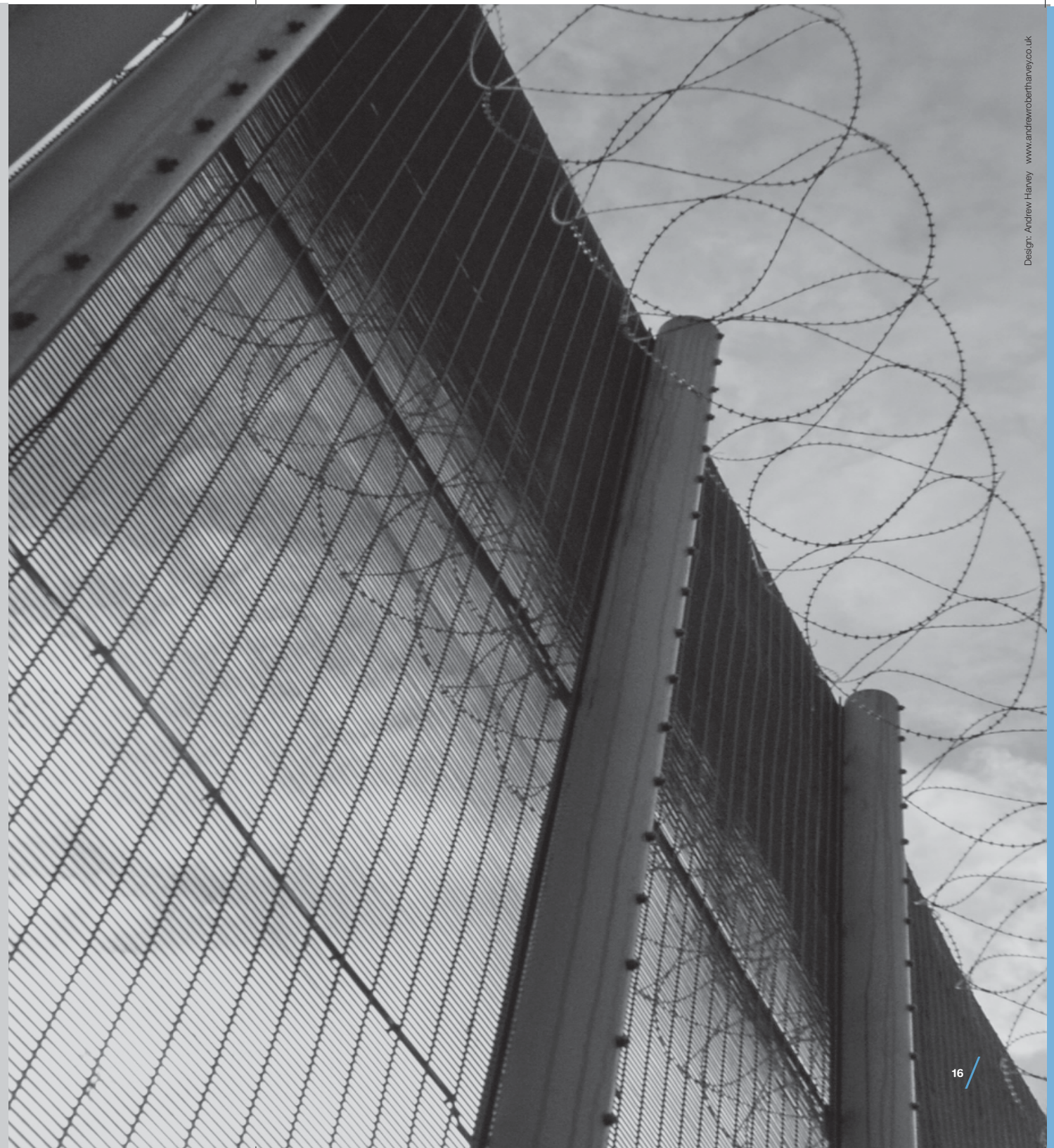


Yes, I am a UK taxpayer and I want my donations to BID to be Gift Aid donations until I notify otherwise. This applies to all donations I have made since 6 April 2000 and I make from now on.

*We are committed to
spending your money wisely.*

BiD Bail for
Immigration
Detainees

Telephone: 020 7247 3590
Email: enquiries@biduk.org Registered
Charity No. 1077187



"BID listened to me when everyone else abandoned me. BID took on my case, prepared it very well, got a court date, wrote to CCD, arranged a very good barrister and ensured a successful ending to my bail application. A big thank you to ***** for her brave professionalism and efficiency. A big thank you to ***** and the rest of the staff for their help in preparing my brief."

A detainee in Colnbrook for nine months after criminal sentence

Cover Image: Without Power Without Voice (Two)

Ricky Romain www.rickyromain.com

BiD Bail for
Immigration
Detainees

London: 020 7247 3590 • Oxford: 0845 3304536 • Portsmouth: 023 9281 6633
www.biduk.org • Email: enquiries@biduk.org

Registered Charity Number 1077187 • Exempted by the OISC reference number N200100147
Registered in England as a limited company number 3803669