

Bail for Immigration Detainees

Bail for Immigration Detainees is an independent charity that exists to challenge immigration detention in the UK. We work with asylum seekers and migrants in removal centres and prisons, to secure their release from detention.

Annual Report 2018

5941 individuals
provided with
assistance

625

Bail applications
prepared 2017/18

Bid

www.biduk.org

“It is a corrosive and discriminatory idea, that the individual liberty of foreigners lacking immigration status is less worthy of protective safeguards under the rule of law than those – whether our own nationals or foreigners – who are detained because they are suspected of committing crimes”

(Bingham Centre for the Rule of Law,
Immigration Detention & the Rule of Law: safeguarding principles, 2013: 4)

Bail for Immigration Detainees

What is immigration detention?

Anyone subject to immigration control in the UK can be detained. It is an administrative and not a criminal process. There are none of the safeguards that there should be when depriving someone of their liberty. First, the decision to detain an individual is taken by an immigration officer and not overseen by a court. Second, there is no automatic legal advice or representation. Third, there is no time limit. Given these three factors, people can be detained for weeks, months and even years. People can also be re-detained, but the Home Office treats these as separate periods of detention and does not count cumulative lengths of detention. Many people experience repeated periods of detention.

What does BID do?

BID's vision is of a world free of immigration detention, where people are not deprived of their liberty for immigration purposes. We aim to challenge immigration detention in the UK through the provision of legal advice, information and representation alongside research, policy advocacy and strategic litigation.

Specifically, we:

- Run a telephone helpline four mornings a week to deliver legal advice and information;
- Deliver legal advice sessions and workshops in detention centres and prisons;
- Prepare, update and disseminate self-help materials on detention and deportation so that detainees have the tools to represent themselves if they don't have a lawyer;
- Prepare court cases for release on bail and deportation appeals;
- Carry out research, gather evidence from casework, and prepare reports and briefings for civil servants, parliamentarians and the general public about different aspects of immigration detention;
- Refer cases for unlawful detention actions;
- Act as a third party intervener, or provide evidence to the higher courts on detention policy and practice;
- Raise awareness of immigration detention with the wider public.



"It's a great job you are doing as a charity organisation. Many friends I made in there seriously need your service. Genuine and good people but with little or no options. Thank you big time and I wish your services grow bigger with the needed resources too. I am very appreciative."

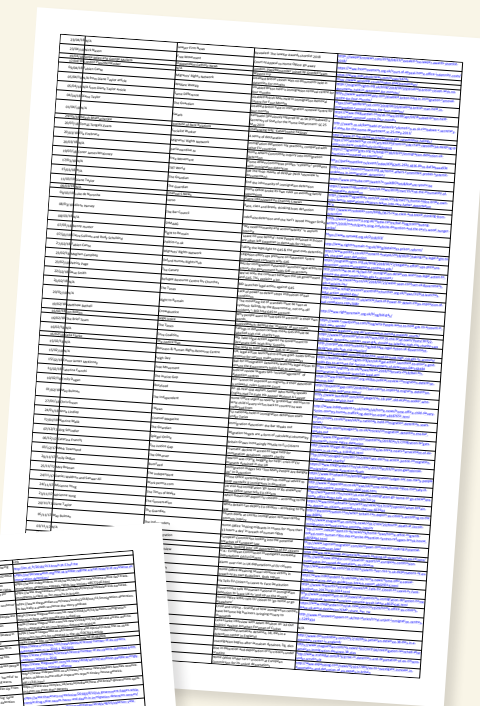
Client

Chair's Report

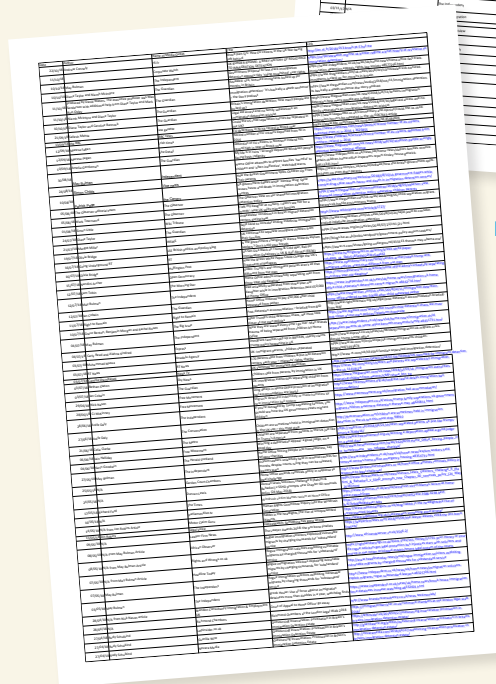
The Windrush scandal received considerable publicity and wide coverage in the media; it touched the hearts of many appalled by the inhumane actions of the government. Sadly, Windrush is just one of the many examples BID deals with, on a daily basis consequent on the “hostile environment” approach that has been deliberately adopted by the government in the application of immigration policy and the use of detention. That approach and the poisonous atmosphere around immigration generally has meant that the critical need for BID’s services has continued to grow. As you will read below BID supported more people in the last year than it has ever done in any previous year. In addition to our legal casework, we made significant progress in highlighting the issues of immigration detention through a wide variety of media channels. We continue to punch above our weight while remaining focused on the quality of the work we do. We are fortunate to have a team of staff and volunteers who are passionate about their work and who work exceptionally hard to support BID’s clients. I would like to thank Celia and the team for the huge contribution they all make. I would also like to thank the Trustees for their continued efforts on behalf of BID.

We are also fortunate in having a great group of donors and supporters without whose support none of this would be possible - thank you for your continued backing.

Sandeep Katwala, Chair



BID in the media



“The great job you guys do permeates through the prison regime and no wonder more and more people are referring to your reputable organisation. I would continue to keep in touch and pass on your information to anybody who needs such help or assistance plus advice.”

Client

Director's report



My capacity to be horrified on a daily basis by the stories that legal managers tell me has not diminished over 13 years: the suicidal client with severe mental ill-health segregated and on constant watch, being broken by his treatment; a father released from detention with our help and looking after his four children alone while his wife was out of the country attending her mother's funeral – detained on reporting with his children being taken into care as a result; the fathers who miss the births of their children because they are detained; the children who face permanent exile from their parents because of the threat of deportation; the mother whose door was broken down by border force officials looking for her son who had missed one reporting event because he was ill; the man, after 35 years in the UK left homeless and drug-addicted following the breakdown of his marriage detained in prison for 18 months following a prison sentence and facing deportation despite his length of residence in the UK. Not one of these examples is particularly unique and is a product of

the unfettered powers the Home Office has to detain for immigration purposes. In all seriousness, what group of people, other than immigrants, could be treated in this way in the UK with so little scrutiny, oversight or condemnation?

Despite this, however, there has been a growing awareness of detention and deportation, particularly in the media, which is very welcome. Politicians of all persuasions have been shocked by the stories they hear. The Windrush scandal revealed not just the depths of the "hostile environment" but the casual cruelty of decisions to detain and to maintain detention. Both the Home Affairs Committee and the Human Rights Committee undertook enquiries into immigration detention; Stephen Shaw carried out a second review into vulnerable adults in immigration detention, produced a report and gave evidence to the Home Affairs Committee. The Home Office has acknowledged that some "reform" to detention is necessary.

BID believes all detention is harmful. It is realistic and pragmatic to speak in terms of no detention. No public discussion on detention questions the necessity of detention. Such discussions always take as their starting point that some form of detention must exist. However, the presumption of liberty already exists in policy.

Detention is supposed to be used as a last resort whereas in fact it is reached for as a first resort. If the purpose of detention is for either removal or to establish a right to be in the UK, then it doesn't work. More than half of those detained are removed following a period of detention. And absconding levels are low – the Home Office cites it at 5% of those subject to immigration control but even these figures include those who miss reporting events for other reasons so the real figure is much lower. We believe that the Home Office should justify before a court the reason why it needs to detain someone, and why it cannot use alternatives to detention. We are hopeful with the new-found public and parliamentary scrutiny on immigration detention that there may be an opportunity within the new immigration bill planned for 2019 to introduce an express necessity test into primary legislation.

Could this be the moment - in BID's 20th year of existence - that the end of detention is finally in sight?

Celia Clarke, Director

Bail casework and outreach

In the past year BID staff and volunteers have supported a total of 5,941 people, a further increase on last year's total. Most clients receive legal advice with a smaller proportion being directly represented by BID. Staff and volunteers prepared 625 bail applications (as compared to 438 last year). Of these, only 489 were actually heard in court. 282 of them were granted bail, a 58% success rate. A total of 122 workshops/legal advice sessions were delivered to 1,943 people in 6 prisons and 8 immigration removal centres (IRCs). The reduction from the year before was partly due to the closure of one of the IRCs (the Verne), as well as by an increase in the number of represented cases. We try and keep track of people who we have advised although this can be difficult as they are sometimes moved, or removed. A minimum of 827 people provided with assistance from BID were released, as compared to 596 the year before. We provided deportation advice to 133 people and have 19 current active deportation cases. Of the 10 appeals heard, 4 were ultimately successful.

"96% of those who returned feedback forms from our legal advice sessions rated the sessions either "very helpful" (78%) or "helpful" (18%)."

Achievements

2017–18

5941

individuals provided with assistance

625

bail applications prepared, 489 actually heard; 282 released on bail

58%

success rate for represented cases

827

people who had received assistance from BID were released

122

legal advice sessions delivered to 1943 people in 8 IRCs and 6 prisons

Deportation advice provided to

133

individuals; 19 active current deportation cases

6

appeals heard at FTT, 4 at UTT, 4 were ultimately successful

2016–17

5840

individuals provided with assistance

438

bail applications prepared; 300 actually heard; 199 released on bail

66%

success rate for represented cases

596

people who had received assistance from BID were released

142

legal advice sessions delivered to 2135 individuals in 6 prisons and 8 IRCs

Deportation advice provided to

120

people overall; 25 current active cases

11

appeals heard, 7 were successful; the Home Office appealed 3, but were denied permission in all

Comments

A sample of clients' comments

'BID represent me very well
but court judge could not
understand my situation'

'I never thought I would get help
from anyone until I was introduced
by my friend about BID'

'I would like to thank the
BID team for their excellent
professionalism plus Mr
★★★★★'s dedication'

'I can only hope and
pray they continue
the good work'

'I really appreciate and thankful
for BID's help, without you I
would never be out'

'Excellent bail grounds'

'★★★★★ made very
good ground for bail'

'If they can further assist on the immigration
cases, this will help a lot of detainees'

'BID helps me a lot when I
was in detention'

'★★★★★ was very helpful, keep
helping others, you are doing a
good job'

'They've been very
helpful through constant
communication and legal
advice'

'Your team was
good. Special
thanks to ★★★★★'

'Please please continue to do what
you do for people like me. Thanks a
lot BID team'

'Overall staff of BID
is very helpful'

'BID team was
excellent about
doing their jobs'



'I just want to thank
BID for the big support
given to me'

Just keep doing
what you are doing
because you are
wonderful'

'BID is very good at giving
the right advice'

Prisons' project

Our prisons' project focuses on the provision of legal advice and representation to time-served prisoners detained in prisons under immigration powers and facing deportation action. As well as corresponding and advising prisoners by post (prisoners have no access to mobile phones), the legal adviser makes prison visits about once a month to deliver legal advice as well as training to prison staff. Through this process, cases are identified for representation or referral, either internal or external. There is significant crossover and collaboration between this project, BID's separated family project, and our deportation project, which provides advice and representation on deportation. Evidence from these projects also feeds into our policy work and helps in preparing witness statements for strategic litigation. The project also refers cases out to other lawyers to mount unlawful detention challenges. According to responses to FOI requests, the Home Office pays out approximately £4 million a year in compensation for unlawful detention.

The project assisted a record number of people in the last year – 817 as compared with 786 the previous year. 108 bail applications were prepared of which 86 were actually heard. 49 were granted bail. 18 referrals were made for judicial reviews for unlawful detention. 25 legal visits were made to the following prisons: HMP Huntercombe; HMP Pentonville; HMP

Bronzefield; HMP Downview; HMP Wandsworth; and HMP Peterborough. Feedback from clients was very positive: 66% found the sessions 'very helpful', and 32% found them 'helpful'; 22% found that the workshop helped them to understand the bail process 'a fair bit', while 68% found that it helped them to understand the bail process 'a lot'. 100% of the clients who were represented by the project rated the preparation of their case as "excellent".

"I will recommend BID to every foreign national; BID is the only effective bail medium in the UK"

"Yes you have done amazing things for me no words can express how grateful I am. Thank you"

"Excellent service!"

CASE STUDY

A came to the UK as a child and is now a young adult. He witnessed extreme violence in his country of origin. All A's family members live in the UK and are British citizens. A was placed in foster care as a child and committed a number of offences. Following a prison sentence, he was detained under immigration powers. He is the second-longest-serving detainee that the project has represented, with his detention day count standing at over **1,000** days (nearly 5 years).

The Home Office issued him with removal directions on 4 separate occasions despite no evidence that a travel document had been agreed. A has no family members in his country of origin.

When we met A, he had been in detention for 4 and a half years, and had been poorly represented. Despite his extraordinary length of detention, BID had to apply for bail three times before he was finally granted bail. BID successfully referred him for an unlawful detention claim, as well as a fresh asylum claim.

Since being released, A has been eager to contribute to ending detention – he wants to volunteer for BID and has been sharing his experience with journalists who have contacted BID.

Separated families' project

Adults who have dependent children can be detained on the same basis as adults without children. However, the Home Office has a legal duty to safeguard and promote the welfare of children and to take all its decisions which affect children having regard to whether or not that decision is in the best interests of the children. At BID we do not believe that separating children from their parents solely for immigration purposes can ever be in their best interests. Our project provides legal advice and representation to parents held in immigration detention to enable them to be reunited. We supported 167 parents separated from their 322 children. 134 bail applications were heard, and 83 were successful. Eleven cases were referred for unlawful detention challenges. Feedback from clients showed that 93% rated the service "excellent" with the remainder "good" or "satisfactory". Comments included:

"Excellent. Did their excellent best where others didn't. Makes me feel more in control."

"BID worked very well and was excellent. The communication was spot on."

"The bail grounds are exceptionally well presented. A few weeks ago I felt hopeless and wasn't even going to apply for bail, however I discovered BID by chance and it's nice to know I am not abandoned here as some people really care about liberty and human rights."

"I would never have got bail if not for their advice. I felt so happy that some people are actually doing everything in their power to help me voluntarily."

CASE STUDY

Ms S was in the UK without status and was sentenced to a term of imprisonment for working with false ID. She had 3 children, 2 of whom were British citizens and the 3rd was due to register as a British citizen within a year when he reached his 10th birthday. The children's biological father had disappeared and they were staying with the client's partner, who did not have lawful residence in the UK.

Ms A was detained at the end of her sentence instead of being released despite having been assessed as a low risk of harm and reoffending. She had been fully compliant with criminal and immigration bail prior to being imprisoned. The HO repeatedly argued that it was maintaining detention as she presented a high risk to the public, a high risk of reoffending and a high risk of absconding.

The HO also acknowledged early in the client's detention that they were uncertain how they could proceed with deportation in view of the British children's presence in the UK. They also acknowledged that any deportation decision would inevitably attract an in-country appeal, meaning that even if a deport order were issued it would be a lengthy period of time before they could even contemplate removal.

Ms S was detained for 3 months before we secured bail. She has still not been issued a deportation order, but BID will act for her if she is. Bhatt Murphy solicitors are pursuing an unlawful detention claim.

Article 8 & Deportation Advice Project (ADAP)

The project provides advice and representation to people facing deportation from the UK. Under the provisions of the UK Borders Act 2007, any foreign national with a criminal conviction of 12 months or more is subject to automatic deportation, regardless of length of residence in the UK. Until 2013 when legal aid cuts removed deportation from scope of legal aid, it was possible to get legal aid to argue that a private and family life had been established in the UK and that deportation would be disproportionate. However, with the passage of two Immigration Acts (2014 & 2016) together with the removal of legal aid, it is now very difficult to win a deportation appeal. The project prioritises long-term UK residents with British families and those with particularly compelling circumstances. It also prepares and disseminates a range of self-help leaflets about deportation. 133 people were provided with advice or representation in the last year. 28 of them attended three workshops.

Of 6 full appeals heard at the First Tier Tribunal, 4 were successful. Four were heard at the Upper Tier Tribunal – 2 were successful and 2 unsuccessful but we managed to refer one for a legally-aided appeal. The number of EEA nationals in our caseload continued to increase, as reflected in the Home Office stepping up of action against EEA nationals. However, we also saw an increase in the number of third-country cases exercising an in-country right of appeal following the Supreme Court decision in *Kiarie & Byndloss*.

Judicial Review referrals

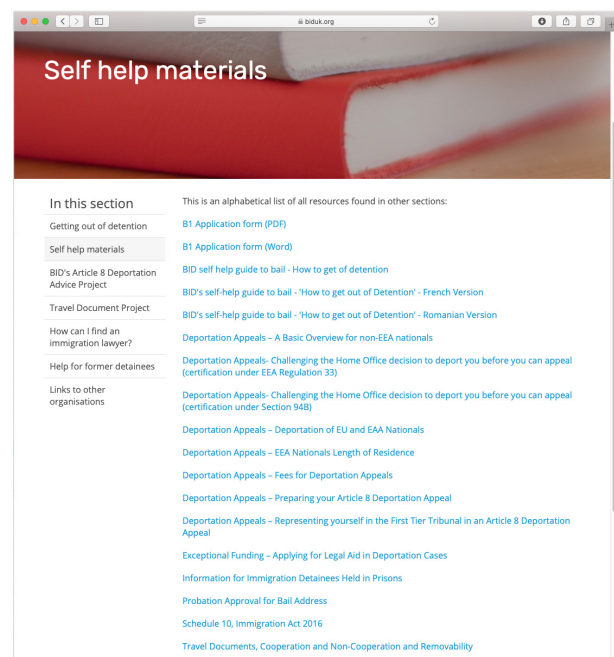
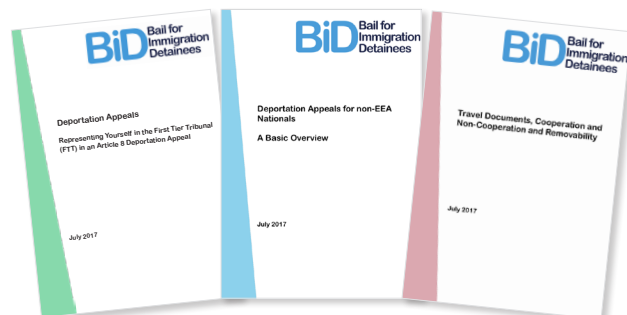
We made 8 referrals for Judicial Review. These were a combination of challenges to certification under Regulation 33 of the EEA regulations which allows the Home Office to remove an EEA national before the appeal has been finally determined, trafficking decisions, advice on unlawful detention, compensation following positive Conclusive Grounds decisions on Trafficking/Modern Slavery, and unlawful detention.

Exceptional Case Funding Applications

10 applications for a grant of Exceptional Case funding (ECF) for legal aid were made. All these cases were at appeal stage in which expert evidence, such as an independent social worker report or expert mental health report was required in order for the appeal to be justly determined. Of those, two are still pending determination, eight were granted ECF. Five now have a legal aid lawyer and three are pending successful referral

Self-help materials

We have prepared a new self-help guide on applications to revoke Deportation Orders for non-EEA nationals.



“I would like to say many many thanks to you and the BID team. Me and my wife are very happy to be united again. It was very tough time for both of us and thanks for understanding our problems. I am currently with my wife at hospital for her blood test. I know it’s just a blood test but it is a big support for her that I am with her at this late stage of her pregnancy. We are truly thankful to BID for helping us.”

Client

The combination of an outstanding judicial review challenge on an immigration matter or in relation to a claim for unlawful detention can strengthen a person’s chances of being released on bail by the Tribunal or by the Home Office. Of the 160 cases BID referred to solicitors:

88

cases obtained bail before the First-tier Tribunal

19

cases were released by the Home Office (‘temporary admission’ or Home Office bail)

25

cases were accepted by solicitors who agreed to provide legal aid representation in the bail case

2

were detained under the Mental Health Act

1

related to a referral on an immigration matter made after the person had been released

8

were removed or deported

3

lost contact

14

remain in detention and are represented by BID in their bail matter

CASE STUDY

Ms D is an EEA national. She had lived in the UK for more than 10 years when, following a number of low level non-violent offences the Home Office began deportation proceedings. Ms D disclosed a history of abuse which amounted to modern slavery. BID took on her case for representation in the deportation appeal and assisted in the modern slavery claim. Ms D was recognised as a victim of modern slavery and the Home Office agreed to withdraw the deportation order and cease the deportation proceedings. BID requested a grant of Discretionary Leave for Ms D, to allow her time to begin recovery from her trauma, which the Home Office agreed to grant.

Without BID’s assistance, Ms D would have had to prepare her modern slavery claim alone and represent herself in the First-tier Tribunal. Given the impact of Ms D’s past abuse on her psychological health, this would have been extremely difficult and it is very likely that she would have been deported from the UK.



“Stakeholder” meetings

Following the undercover “Panorama” programme on Brook House, BID met with other NGOs and lawyers to share information and strategy.

BID attended a number of different stakeholder meetings: all Home Office-convened National Asylum Stakeholder Forum (NASF) detention sub-group meetings and pre-meets. We attended all detention monitoring group (DMG) meetings convened by the Association of Visitors in Immigration Detention. We gave a presentation to the group on the new Schedule 10 bail system. We also attended all Refugee Children’s Consortium meetings during the past 6 months (now called the RMCC, to include migrant children).

We attended a round table in parliament regarding a new research report about female former offenders in prison organised by the Prison Reform Trust and Hibiscus chaired by Baroness Hamwee. We have provided recommendations.

Research and policy

Parliamentary

BID and Medical Justice met twice with the Shadow Home Secretary, Diane Abbott. We prepared two separate briefings about ending immigration detention and presented her with our policy concerns. Following the meetings she requested that we provide her with a “blueprint” for ending immigration detention, which we prepared jointly. She visited Yarl’s Wood some weeks later during the hunger strike there, and following her visit BID was invited to a meeting with her to de-brief about her visit.

As a result of these contacts, BID was invited to her two speeches on Labour immigration policy and Labour values, the first at LSE and the second at the IPPR. These were invitation-only, with a small group of NGOs and press attending.

At the second speech on immigration, she announced that she would close Yarl’s Wood and Brook House, “reduce” the use of detention and bring the management of the detention “estate” back into public control.

We met with the co-leader of the Green Party, Jonathan Bartley, whose position on immigration detention has been very helpful and supportive. Immediately prior to the parliamentary recess, BID provided Caroline Lucas (Green Party MP and former co-leader) with two briefings, the first on ending immigration detention and the second on the problems with immigration detention generally. Following

our first briefing, Lucas secured 10 minutes in the House of Commons to discuss immigration detention (for which she requested the second briefing), and was damning of Home Office practices, particularly focussing on the detention of vulnerable people and the failures of the Home Office’s Adults At Risk (AAR) policy.

In June and July, we drew attention to the issue of separated families and gained the attention of several MPs. Mary Creagh, Afzal Khan and Neil Gray questioned Immigration Minister Caroline Nokes about the Home Office practice of separating parents from their children. Neil Gray, SNP, specifically referred to BID in questioning the Minister.

Legislation

BID supported Liberty’s briefing on the Data Protection Bill 2017 for Report stage in the House of Lords. The Bill created a new exemption from individuals’ data protection rights guaranteed under the GDPR when their data is processed for:

- The maintenance of effective immigration control or
- The investigation or detection of activities that would interfere with effective immigration control.

BID also provided information to Amnesty International UK for its briefing on the Bill, which drew attention to evidence from BID’s *The Liberty Deficit* regarding mistakes made by the Home Office. Unfortunately, the immigration exemption passed un-amended.

Home Affairs Select Committee

We provided four written submissions to the Committee. Following the submission of our evidence we were invited to give oral evidence to the Committee specifically relating to Yarl’s Wood and Morton Hall.

We provided a briefing paper for Yvette Cooper (Chair of the HAC) on post-release accommodation in advance of an evidence session with the Immigration Minister. She quoted the briefing extensively when questioning the Minister. We also provided the Chair with our new Adults at Risk Report as well as our statement on the government’s response to Stephen Shaw’s second review.

Human Rights Committee

BID briefed the Committee in advance of an evidence session on Windrush. Following submission of evidence, BID was invited to give oral evidence to the Committee alongside two individuals directly affected by the Windrush scandal, Paulette Wilson and Anthony Bryan. Following this, the Committee published a report into the Windrush scandal and recommended that the “Home Office should review its use of detention for immigration purposes”; and stated that “a more humane approach to dealing with people who come into contact with the immigration enforcement system is needed.”

The Committee is planning a further investigation into immigration detention in the autumn to which we have been invited to provide evidence.

“Advice and support from BID is simply brilliant. BID does unique services, they know the law well. I will recommend BID to every foreign national; BID is the only effective bail medium in the UK.”

Client

Policy work

Our focus has been on: the changes to bail following provisions of the Immigration Act 2016 (namely Schedule 10) coming into force on 15th January 2018; and on the definition of torture/adults at risk. Schedule 10 of the Act provides for the abolition of Section 4(1)(c) bail accommodation. The result of this has been most clients who have no release accommodation being unable to apply for bail. BID has been in correspondence with the Bail Policy Team in the Home Office since January about how the new accommodation system is expected to function. No meaningful response has so far been forthcoming. But we have now received three apologies in relation to the delay in responding. Our correspondence has been publicly circulated and attached to grounds for bail and IAC judges have been referring to the correspondence in judgments. BID has raised its concerns at Home Office stakeholder meetings and secured a separate meeting with the Home Office on the topic.

BID has submitted a number of FOIs regarding the number of schedule 10 accommodation grants there have been since the implementation; the response revealed a dramatic reduction.

There is considerable interest in this area for people working with immigration detainees because of the failure of the new system. Concurrently, the Home Office

have been releasing people to insecure addresses or to the streets on Home Office bail. We maintain this is a breach of their article 3 rights.

BID drafted a briefing paper about the situation post-section 4(1)c that has been published on the website. The Independent covered the issue, and Free Movement has published two pieces. Right to Remain also wrote a blog based on BID's briefing.

We have been collecting data regarding accommodation issues that arose for 54 represented cases between 15 January and 13 July 2018. We hope that this evidence will feed into a legal challenge of the policy, which Duncan Lewis solicitors is planning.

Media

We received 129 media mentions in the last 12 months.

This is more than four times the number from the year before (31). They can all be accessed on our website. We have developed good relationships with various journalists at the Guardian, Observer and the Independent in particular. We gained coverage in connection to the a range of issues: the B case, the AJS case, the G4S case, the Yarl's Wood hunger strike, Diane Abbott's interest in detention, separated families and detention, the detention and deportation of EEA

nationals, and the detention of a UK citizen.

We wrote articles ourselves for: The New European; the Justice Gap; politics.co.uk; NovaraMedia, the Metro. BID's Assistant Director also wrote an article for ILPA's monthly magazine on the changes to the bail regime.

Television: BID appeared on: Sky News' All Out Politics programme; Channel 5 News; Channel 4 News; RT 'Going Underground'; ARTE (German and French television), and two social media platforms.

We dealt with about 20 journalists following the fallout from Windrush, and tried to widen the debate to encompass our concerns about “foreign national offenders (FNOs)” and detention, and sent out about eight case studies to various journalists. We are still in contact with various journalists about a range of different projects/programmes.

We have been involved in discussions and provided information for forthcoming documentaries. We have put these journalists in contact with former clients who wish to speak publicly about their experiences.

Social Media: At the end of the year we had 8,371 followers on Twitter, an increase of 2,104.



Adults at risk

Following the Medical Justice case, which found that the torture definition in the AAR policy was unlawful, the Home Office was required to implement a new definition of torture. BID attended the NGO 'engagement' meeting about the new definition proposed by the Home Office as well as a second NGO "workshop" meeting about the new definition of torture in the AAR policy and the training for case owners (as well as an NGO pre-meet to consider our collective position). Following the workshop, we were invited to observe a HO staff training session on the new definition. Various points were made in the second workshop by the NGOs present which the HO said it would consider reflecting in the revised guidance to be published following the consultation process; however, they did not issue any revised guidance as a result of NGO input.

We contributed to two joint letters: 1) to the Home Office and to 2) to Stephen Shaw objecting to the new proposed definition of torture and asking that the Home Office wait until Shaw's second report was released. The new definition was nevertheless laid before parliament on 24 March 2018 and implemented 2 July 2018.

Alongside Freedom from Torture and Medical Justice, BID co-badged a briefing on the statutory instruments which contained the new torture definition for peers and MPs. There was a Backbench Business Committee debate brought by Joan Ryan, and Lord Ramsbotham moved a motion of regret in the House of Lords; however, the SIs passed unimpeded. In conjunction with Freedom from Torture, Medical Justice, Helen Bamber Foundation and Redress, we responded formally to the consultation on the SIs. Medical Justice has brought a legal challenge to judicially review the new definition. The challenge will also consider the flawed consultation process that took place.

"In last year's annual report we noted a rise in deaths in or immediately following detention. That concerning trend has continued. There were five detention-related deaths in the reporting year, including three that were self-inflicted. In the previous year there were six deaths, including two self-inflicted deaths and a manslaughter. Before 2016–17, deaths that were not from natural causes were rare. It remains unclear why this change has occurred."

HM Chief Inspector of Prisons for England and Wales Annual Report 2017–18

Research and policy

Litigation

An important Court Order was made in the case of *AJS v SSHD* to which BID provided expert evidence in the form of a witness statement. The case involved a father (“AJS”) whose 3 year-old daughter was days away from adoption because the Home Office refused to release him from immigration detention. The Home Office admitted that it had unlawfully detained AJS and agreed to pay £50,000 in damages (plus £10,000 in costs). BID’s evidence, which drew on years of BID research and casework, demonstrated that this case was not a one-off, but indicative of wider unlawful practices which, in our view, do not satisfy the legal duty that the Home Office has to safeguard and promote the welfare of children.

BID acted as an intervener in the case of “B” in the Supreme Court. The central question was whether the Home Office could lawfully impose bail conditions on a person whom it would be unlawful to detain. The Court found against the SSHD, and held it unlawful to impose bail conditions on a person when bail is not lawful. However, this judgment was considered in the light of the 1971 Act only, the bail provisions of which have been superseded by the Immigration Act 2016. Under the new Schedule 10 of the Immigration Act 2016, bail conditions can be imposed on anyone subject to immigration control, even if they are not able to be detained.

We provided evidence to Duncan Lewis for a challenge regarding access to legal advice. As a result of the challenge, BID now appears in the Home Office “Judicial reviews and injunctions” Guidance published for Home Office staff on 21 May 2018, which states that welfare officers should “provide copies of the *Bail for Immigration Detainees (BID) notebook*”.

Post-Brook House and action against G4S

BID instructed Leigh Day in a claim against the Cabinet Office for failing to designate G4S a high-risk supplier in the wake of the Panorama programme revelations. The claim has been lodged and the response received. During this time, the Government announced it would award a further 2-year contract to G4S for Brook House.

Although BID applied for a costs capping order (CCO), this was denied by the Court at first instance, even though permission was granted for the case itself to go ahead. The Government Legal Department has already submitted a bill for exorbitant costs far exceeding either what is considered reasonable for this stage of the claim, or to meet the amount requested in the CCO request. We have renewed our application for a CCO and the hearing has been delayed until after October at the government’s request.

Meanwhile, the government has announced it is reviewing its Strategic Supplier Risk Management Policy. This review may have an impact upon the course of proceedings/settlement negotiations.

“Attempts to remove the small number of detained families were largely unsuccessful and the unit was being used even less frequently than its predecessor. In the 11 months that it had been opened, 19 families had been detained in the pre-departure accommodation and only four of them were eventually removed. This was troubling given the harmful effect that arrest and detention inevitably has on children who witness their parents becoming very distressed; during the inspection, children saw their parents being physically restrained.”

Report on an unannounced inspection of family detention, Tinsley House Immigration removal Centre, HM Chief Inspector of Prisons, April 2018

Research: Adults at Risk in detention:

Stephen Shaw, who carried out the first Review of Vulnerable Adults in Immigration Detention in 2015, carried out a second review in 2017. BID produced a written submission, based on preliminary findings of our research and evidence from our casework that had been carried out following the implementation of the Home Office's Adults at Risk policy, developed as a response to the Shaw recommendations.

Based on the sample group that informed our submission to the second Shaw review, we conducted an in-depth document analysis and published a report, "Adults at Risk: the ongoing struggle for vulnerable adults in detention", and a summary of the key findings. The report was published in July 2018 just prior to the publication of the second Shaw review and was covered in *The Guardian*. It revealed, unsurprisingly, that the policy abjectly failed to protect vulnerable people from detention. Shaw, however, found that although the AAR policy has had little or no impact in reducing vulnerable people in detention, the policy itself should be preserved. He considered that there needs to be cultural change in the Home Office and that the policy simply needs more time to mature to have an impact. BID prepared a response to the Government's statement as well as a response to the second Shaw review.

Other research:

Research and analysis is ongoing into deportation which is proving time-consuming because of a lack of data. We have also carried out interviews with detainees and former detainees about conditions in detention which we hope to publish next financial year.

Legal advice survey

We carried out two legal representation surveys, one in the autumn of 2017 and the second in the spring of 2018. Survey results were released in December and June. The results of the autumn survey were the worst we have seen and only slightly better in the spring survey. One in five of those questioned had never had a legal representative during their entire time in detention. Of the 50% that had a lawyer, only just over half of them had a legal aid lawyer. There was an article in *The Justice Gap* about the autumn results, and it was also covered by *BuzzFeed News*. We intend to submit the findings from our surveys since 2010 to the review of the Legal Aid, Sentencing & Punishment of Offenders Act (LASPO) that is currently open.

A huge "thank you" to BID's funders and supporters, without whom none of this would have been possible:

Griffin Charitable Trust
Comic Relief
Trust for London
Esmée Fairbairn Foundation
Joseph Rowntree Charitable Trust
Tudor Trust
Oak Foundation
London Legal Support Trust
Ghersons
AB Charitable Trust
London Legal Support Trust
Network for Social Change
Paristamen CIO
The Law Society Charity
Travers Smith
Allen & Overy Foundation
The Leathersellers Company CF
Linklaters LLP
Garden Court Chambers

Statement of Financial Activities

For the year ended 31 July 2018

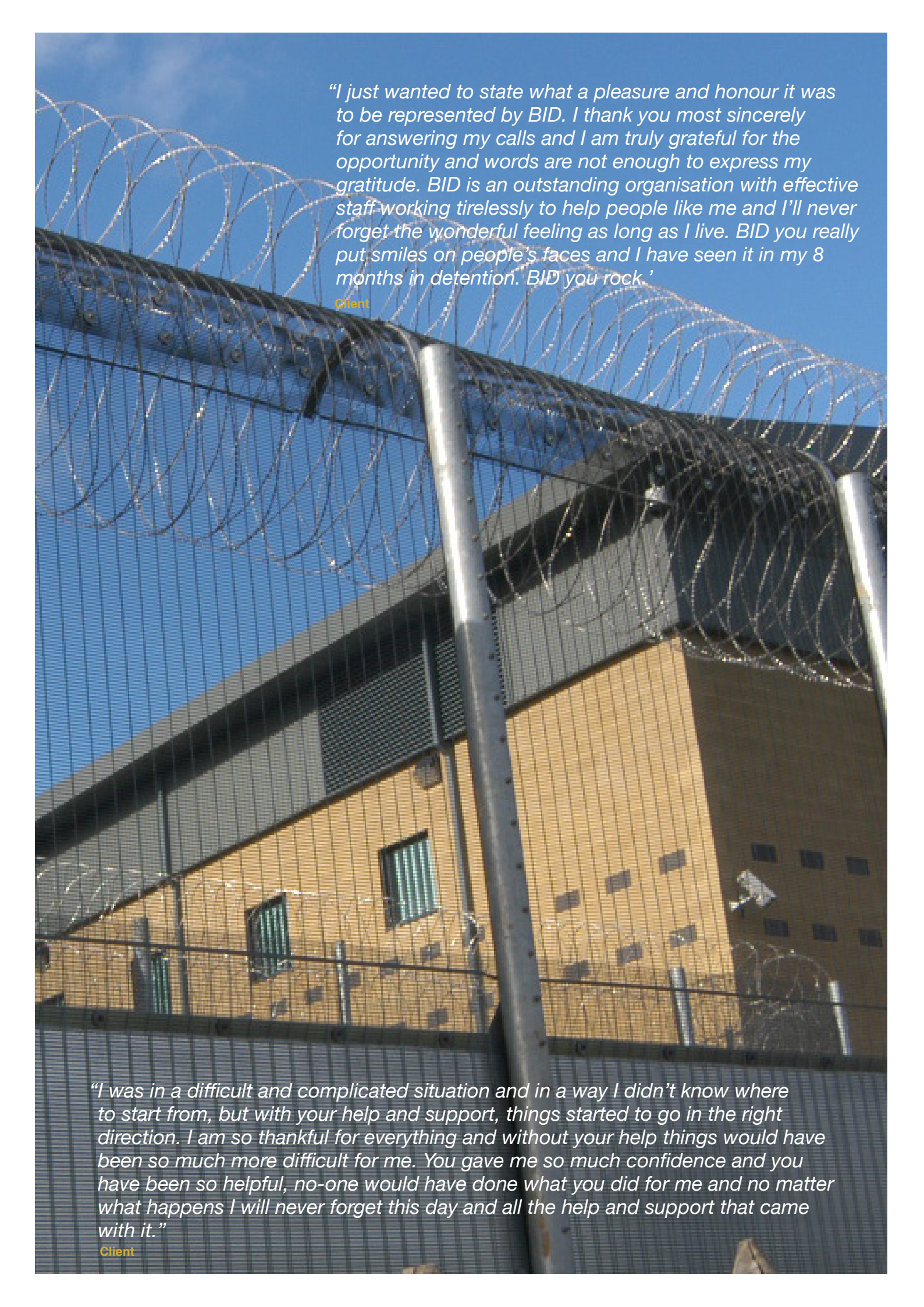
SUMMARY INCOME AND EXPENDITURE ACCOUNT

	Unrestricted Funds £	Restricted Funds £	2018 £	2017 £
Income				
Grants and donations	356,090	20,000	376,090	344,349
Charitable activities	-	325,600	325,600	324,221
Investments	1,693	-	1,693	1,810
Total	<u>357,783</u>	<u>345,600</u>	<u>703,383</u>	<u>670,380</u>
Expenditure				
Raising funds	40,683	20,000	60,683	60,663
Charitable activities	258,831	345,051	603,882	586,547
Total	<u>299,514</u>	<u>365,051</u>	<u>664,565</u>	<u>647,210</u>
Net income/(expenditure) and net movement in funds for the year	58,269	(19,451)	38,818	23,170
<i>Reconciliation of funds</i>				
Total funds, brought forward	240,521	52,648	293,169	269,999
Total funds, carried forward	<u>298,790</u>	<u>33,197</u>	<u>331,987</u>	<u>293,169</u>

BALANCE SHEET AS AT 31 JULY 2016

	2018		2017	
	£	£	£	£
Fixed assets				
Tangible assets		12,017		17,205
Current assets				
Debtors	15,872		14,853	
Cash at bank and in hand	346,416		299,011	
	<u>362,288</u>		<u>313,864</u>	
Liabilities				
Creditors: amounts falling due within one year	42,318		37,900	
	<u></u>		<u></u>	
Net current assets		319,970		275,964
Net assets		<u>331,987</u>		<u>293,169</u>
Funds of the charity				
Restricted funds		33,197		52,648
General funds		298,790		240,521
Total charity funds		<u>331,987</u>		<u>293,169</u>

The trustees have prepared accounts in accordance with section 398 of the Companies Act 2006 and section 138 of the Charities Act 2011. These accounts are prepared in accordance with the special provisions of Part 15 of the Companies Act relating to small companies and constitute the annual accounts required by the Companies Act 2006 and are for circulation to members of the company.

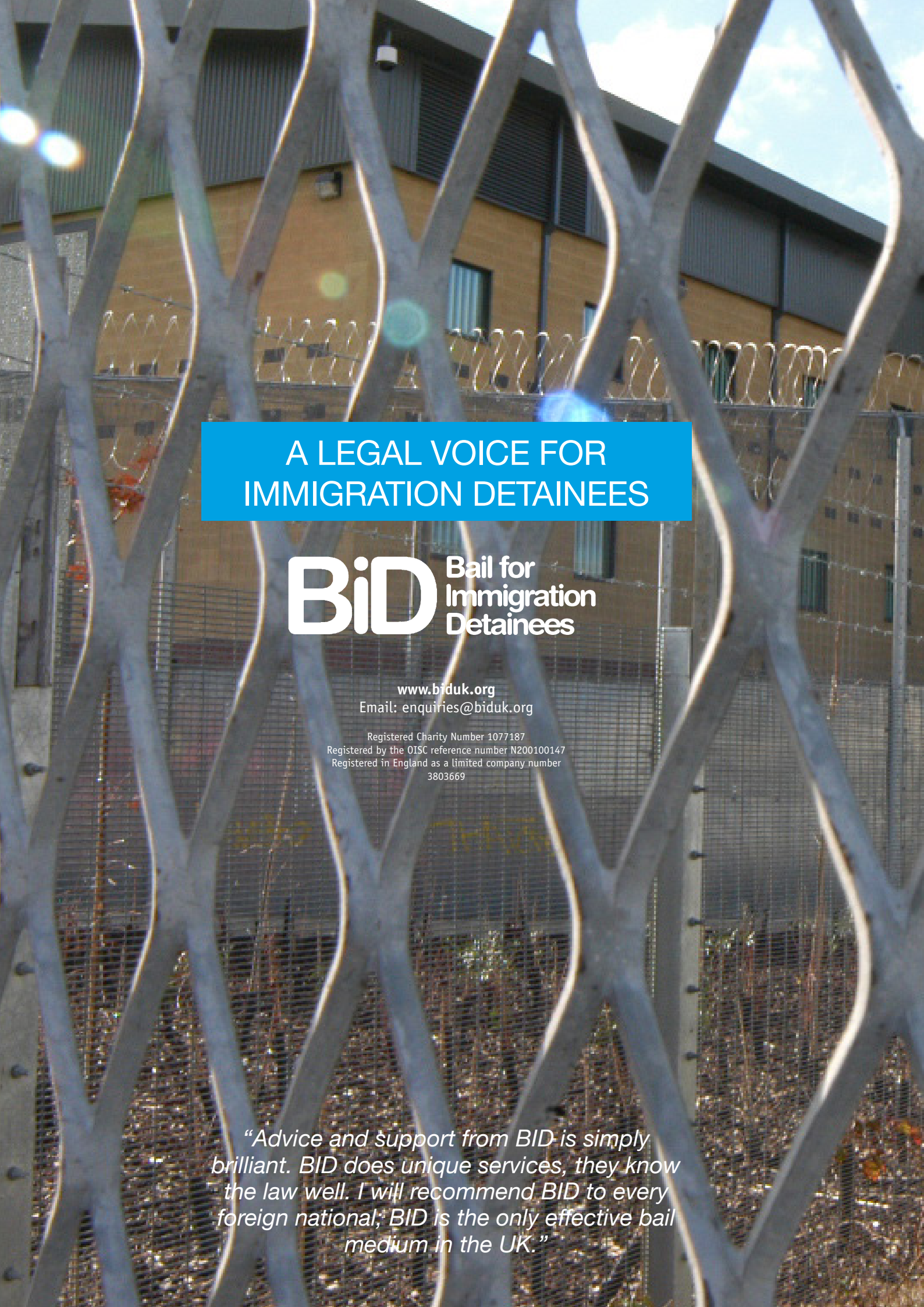


"I just wanted to state what a pleasure and honour it was to be represented by BID. I thank you most sincerely for answering my calls and I am truly grateful for the opportunity and words are not enough to express my gratitude. BID is an outstanding organisation with effective staff working tirelessly to help people like me and I'll never forget the wonderful feeling as long as I live. BID you really put smiles on people's faces and I have seen it in my 8 months in detention. BID you rock."

Client

"I was in a difficult and complicated situation and in a way I didn't know where to start from, but with your help and support, things started to go in the right direction. I am so thankful for everything and without your help things would have been so much more difficult for me. You gave me so much confidence and you have been so helpful, no-one would have done what you did for me and no matter what happens I will never forget this day and all the help and support that came with it."

Client



A LEGAL VOICE FOR IMMIGRATION DETAINEES

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Immigration
Detainees

www.biduk.org

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"Advice and support from BiD is simply brilliant. BiD does unique services, they know the law well. I will recommend BiD to every foreign national; BiD is the only effective bail medium in the UK."