



BiD

www.biduk.org

Annual Report 2023

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.

BiD Bail for
Immigration
Detainees

“Detainees struggled to access legal advice: very few had been told that they were entitled to half an hour of free advice, and many prison and Home Office staff who we spoke to were not themselves aware of this entitlement.

Perhaps most worryingly, vulnerable detainees, including victims of torture, were not routinely identified, nor their release considered in the same way as in IRCs.”

– His Master’s Chief Inspector for Prisons regarding Immigration Detention in Prisons, in their 2022-2023 Annual Report

Bail for Immigration Detainees

What is immigration detention?

Immigration detention is the process of incarcerating individuals subject to immigration control in the UK either pending permission to enter the country or to await removal or deportation. It's an administrative, not a criminal process, and powers to detain are exercised by officials acting on behalf of the Home Secretary. There are none of the safeguards that there should be when depriving someone of their liberty. First, the decision to detain an individual is neither approved by nor 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 UK free of immigration detention, where people are not deprived of their liberty or deported from their home 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.
- Prepare applications for bail to be heard before the Tribunal.
- Prepare bail applications and instruct pro-bono counsel.
- Represent clients with the assistance of pro-bono counsel in their deportation appeals through our Article 8 Deportation.
- 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 to solicitors 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.

"I write to you to thank you and tell you I was granted bail yesterday. Keep doing what you do best. People have hope for you. Thank you very much."

Client feedback

Chair's Report

When I joined the board of BID 12 years ago we all truly believed that we could end immigration detention in the foreseeable future. Whilst BID's vision remains "a world without immigration detention" it seems that we are further away than ever from achieving this.

However, as I look back over the past 12 years I am proud to have been involved with an organisation which has constantly adapted to the worsening legislative and political environment whilst keeping focused on what BID does best, challenging detention of individuals and at the same time challenging the concept of detention for managing immigration.

As I stand down, I feel confident that the board is in very good shape to guide BID over the next few years and to support Annie. We have a wide range of skills and experience on the board and have recently recruited three new trustees who bring fresh eyes and different skills and experience.

Suhan Rajkumar will be taking over from me as Chair and Anne Shewring will be the Vice Chair. I'd like to thank both of them for stepping up and making the transition a smooth one. Pete Target will be carrying on in his role of Treasurer. I would like to thank him for the sterling work that he has done in supporting Annie to bring about changes in the way we manage our finances.

During the year Felix Hebblethwaite stood down as a trustee, I would like to thank Felix for the contribution he made to the board and to supporting Annie with a range of issues. He is missed, but I am sure he will remain in touch.

I have enjoyed being a BID trustee and would like to thank the trustees for their support during the time that I have been chair. On behalf of the board I would like to thank Annie, the staff and volunteers for their amazing work this year in a very challenging external environment. I would also like to offer personal thanks to Annie and the staff for the way in which they have supported me as both a trustee and the chair.

I will miss being directly involved with BID, it is a truly great organisation doing very important work in a difficult environment. I will of course continue to follow BID's work and to provide support wherever I can.

*Maggie Pankhurst,
Chair of Trustees*

Director's Report©

Last year, following the passing of the Nationality and Borders Act 2022 (NABA) which made it a criminal offense to enter the UK without a visa if one is required, I wrote about our clients being at the receiving end of the most 'extreme state hostility to date'. Twelve months later we now have clients, whose only crime was fleeing persecution, convicted under this legislation contacting us for help with making bail applications.

Early in 2023 Rishi Sunak made 'stopping the small boats' one of his five key priorities. The legislation that the government claims will do this, The Illegal Migration Act (IMA), was given royal assent in June 2023. The intention of the Act being to 'remove the incentive for people to risk their lives through these dangerous and unnecessary journeys and pull the rug from under the criminal gangs profiting from this misery once and for all.' Once commenced the Secretary of State will have a legal duty to remove people who arrive 'illegally' either to their home country or to a safe third country.

The legislation amends previous legislation to have changed the status quo, that detention should be used as a last resort, to one where detention is the default position. Judicial oversight, a cornerstone of the democratic process, has been reduced with the decision about what is a reasonable amount of time to detain someone now in the hands of the Secretary of State rather than the courts.

"Thanks to BiD I was released from detention"

Client feedback

These two pieces of legislation, the former criminalising people seeking asylum and the latter detaining them and removing them without consideration of their claims, have effectively ended the post war consensus on providing refuge to people fleeing persecution in the UK and is, according to the UNHCR, 'at variance with the country's obligations under international human rights and refugee law.' There will, of course, be challenges to this legislation but in the meantime the numbers of detainable people will rise exponentially and they will be held in a state of permanent limbo as the government has yet to negotiate returns agreements.

The Rwanda scheme, Priti Patel's flagship policy to send people who arrive via small boats to have their claims processed in Rwanda, has been stalled by the courts & there is no guarantee that they will find in favour of the government given compelling evidence from the UNHCR that Rwanda is not, in fact, a safe third country. That said the policy itself was found to be lawful so even if Rwanda is ruled out there is already talk of using other isolated locations such as the Ascension Island.

Judgment in the Supreme Court case is expected before the end of 2023. However even if this scheme is found to be lawful Rwanda's capacity is around 200 people a year leaving many thousands of people who arrive in small boats with no right to claim asylum in the UK, no right to work & entirely dependent on a British government intent on performative cruelty as a vote winner to meet their essential needs. processing asylum claims culminating in a backlog of over

138,100 awaiting an initial decision as of September 2023. This is, according to a Commons Library Research Briefing published on 12th September 2023, 'the highest number of pending cases at the end of any quarter since counting started since the series began'. The sheer scale of this backlog has inevitably generated significant costs for the government in providing what can only be described as squalid accommodation mostly in hotels but also increasingly in vessels & large-scale sites such as Pennally (now closed) & Napier Barracks invariably in inaccessible and deprived areas of the UK generating massive profits for corporations and their shareholders. What this means for our clients is more misery with hundreds & thousands of people being accommodated in conditions that are tantamount to detention & subjected to surveillance, visible security, shared accommodation, lack of privacy, poor access to healthcare, legal advice and communications but without the limited safeguards that people in detention 'enjoy'. The Bibby Stockholm is a good example of a setting where the residents are technically free but their liberty is tightly restricted. 506 men will share 200 bedrooms on a vessel docked in an isolated harbour surrounded by 20 foot security fences, double metal guarded gates and 24/7 security for an indeterminate period of time.

Robert Jenrick, Minister for Immigration has confirmed that this new style of accommodation is partly intended to act as a deterrent to future irregular migrants, saying "we need to suffuse our entire system with deterrence, and this must include how we house illegal

"There is a real risk that persons sent to Rwanda will be returned to their home countries where they faced persecution or other inhumane treatment, when, in fact, they have a good claim for asylum' and that the evidence put before the High Court was 'inadequate' therefore finding that Rwanda was not a 'safe third country'."

– Court of Appeal's Judgement which found the UK's Rwanda Policy Unlawful.

migrants”. He further explained that the government wants to ensure that accommodation “meets [asylum seekers’] essential living needs and nothing more, because we cannot risk becoming a magnet for the millions of people who are displaced and seeking better economic prospects.

Conditions in Napier & Pennally were found, by David Neal the Independent Chief Inspector of Borders and Immigration (ICIBI) to be seriously lacking and the High Court also found that conditions were inadequate and unsafe. Last year BID instructed Waleed Sheikh & Jacqui McKenzie of Leigh Day Solicitors to start formal proceedings against the government for failing to provide people being detained in Manston, a short-term holding facility in Kent, for more than 48 hours with access to legal advice. Subsequent to our threat of litigation all the residents were hastily moved out & further litigation was not necessary but this was a small win in a bigger battle.

There is a depressing circularity to this. Press coverage plays a critical role in framing the narrative on immigration which in turn influences public attitudes which the government then uses to legitimise the increasingly draconian legislation and hard-line policy positions that are then presented as the ‘will of the people’. A UNHCR report on Press Coverage of the Refugee and Migrant Crisis in the EU found that; ‘coverage in the United Kingdom was the most negative, and the most polarised. Amongst those countries surveyed, Britain’s right-wing media was uniquely aggressively in its campaigns against refugees and migrants.

A study undertaken by Bjorn Burscher, Joost van Spanje & Claes H. de Vreese of the University of Amsterdam found that ‘exposure to news about immigration as well as exposure to news about crime are positively related to the likelihood to vote for an anti-immigrant party.’ Sadly, as we face an election year we must brace ourselves for more vote winning hard-line, cruel and unworkable policies including the increasing use of detention as a deterrence.

I want to thank everyone working in this environment for their hard work & dedication. It’s a tough environment to work in and it is only going to get tougher. To our staff team, the trustees, the volunteers, the pro bono barristers and our funders I salute you for your hard work and I thank you for your dedication.

*By Annie Campbell,
Director*

*“The proposition in
our country that
any person can be
deprived of their
liberty and also of
legal advice is
horrific and
unconscionable
and unconstitutional
I would say” –*

Lord Bach, in support for automatic legal aid in his speech during the debate for the Illegal Immigration Bill debate in the House of Lords.



Achievements and Performance

“Thank you for all your help. You have been a saviour in this process. We are all so grateful and appreciative of your amazing Service.”

Client feedback

The logo for BiD, consisting of the letters 'BiD' in a bold, blue, sans-serif font.

Casework and Outreach

7,221

In the past year BID provided free legal advice to 1,690 people and answered 7,221 calls to our advice line. We also responded to a further 312 queries through our enquiries e-mail.

238

We provided free legal advice to 114 parents or carers separated from 238 children and 24% of the people we supported had at least one vulnerability recorded.

1522

We provided a total of 1522 people with legal assistance in preparing their bail applications through our DIY scheme.

86%

At least 403 of the bail cases we worked on were heard. Of these at least 26 were withdrawn and 334 were granted bail or bail in principle, an astonishing minimum success rate of 86%.

108

We provided deportation legal advice to 108 people and assisted 16 people to apply for exceptional case funding (ECF) for legal aid in deportation cases.

28

We delivered 28 advice workshops in prisons and IRCs where we provided free legal advice on detention and/or deportation to a total of 421 people.

100%

100% of those who returned feedback forms rated our work as either “excellent”/“very helpful” or “helpful.”

43

We made 43 referrals for unlawful detention.

DIY & Right to Liberty Project

Our DIY scheme provides advice and support to help people make their own applications for bail. We provide tailored advice and depending on capacity we also assist with preparing bail applications, drafting detailed grounds for bail and supporting people in their evidence gathering.

- We answered 7,221 calls to our advice line and responded to a further 312 queries through our enquiries e-mail.
- We provided free legal advice to 1,522 people through our DIY project. We continue to work on some of these cases.
- We provided free legal advice to support at least 256 bail applications to be lodged of which 256 were heard and 223 were granted.

In addition to developing the DIY project, the Right to Liberty (R2L) project prioritised cases for full representation of vulnerable people and those who have been held in detention for the longest periods:

- 43 people were supported with full representation through Our Right to Liberty Project.
- 43 bail applications were lodged with full Representation provided of which 4 applications were withdrawn during or before the bail hearing.
- Of the 39 cases that were heard, 3 were granted bail or bail in principle.

A sample of clients' comments:

- *"I feel in control of my life"*
- *"BID was there for me"*
- *"Thank you for everything that you are doing."*
- *"You have been absolutely amazing."*
- *"I feel in control of my life"*
- *"BID was there for me"*
- *"Thank you for all you help you have been a saviour in this process. We are all so grateful and appreciative of your amazing service."*
- *"I was granted provisional freedom, I am waiting for the address of the accommodation to be able to leave, I sincerely thank you for your support, you were God's angels in my life, I don't know you personally but I declare with all my love I love you, thank you so much for the support!"*

Client feedback

"I never thought I'd see the day when we could sit together in the park. He's doing really well and enjoying his freedom. He walked me to work today it feels surreal, it's amazing. We both thank you so much from the bottom of our hearts."

Separated families

The Home Office has a legal duty to safeguard and promote the welfare of children and to consider the child's best interests when making decisions that affect them.

At BID we do not believe that separating children from their parents purely for immigration purposes can ever be in a child's best interests.

Our project provides legal advice and representation to parents held in immigration detention to enable them to be reunited.

- We provided free legal advice to 549 people detained in prison under Immigration powers.
- This project provided full legal representation to 57 individuals.
- 60 cases were heard and of these 8 were withdrawn and 45 were granted bail or bail in principle.

This project provided full legal representation to 57 individuals.

A sample of client comments:

"We just wanted to express our deep gratitude for all the amazing help you gave us. It has been nothing other than amazing."

"I would like to thank you for the great job and the support, I am so pleased and very happy today for the bailing of my husband, thanks so much for being in this journey with us."

"Thank you from the bottom of our hearts for all your involvement, support, understanding and for fighting. When we were discouraged, knocked to the ground and without seeing any solution to the problem, you, the whole team stood by us, gave us hope and fought for our case. You have made a great effort and work so that our family remains united in the UK!! Thank you so much!!"

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.

In prison, where practices of 23-hour detention are common due to understaffing, clients are at heightened risk of mental health deterioration and are forced to contact legal services such as BID largely via post – creating avoidable delays in the provision of legal advice and support. BID's Prison Project exists to ensure that those suffering these conditions have the access to the liberty and freedom to which they are legally entitled.

There is significant crossover and collaboration between this project, BID's Separated Families' Project, and our Article 8 Deportation Advice Project. Evidence from these projects also feeds into our policy work and helps with preparing witness statements for strategic litigation. The project also refers cases to other lawyers to mount unlawful detention challenges. Between 2022-23 the Home Office [spent a record breaking £16.1 million on compensation](#) for those who were wrongfully detained, with 736 cases of wrongful detention being reported. The figures are immense, but the significant rise from the previous year suggests that the Home Office is not learning lessons from past wrongful decisions.

- *We provided free legal Advice to 549 people detained in prison under immigration powers.*
- *This project provided full legal representation to 57 individuals.*
- *60 cases were heard and of these 8 were withdrawn and 45 were granted bail or bail in principle.*

Clients comments

- *"BID is very helpful, I am released from detention."*
- *"Very helpful and good Advice."*
- *"Everything done well, used the law to good effect and correctly."*
- *"BID has helped me to be able to support my children and take control of my life."*

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. The introduction of part 13 of the immigration rules on 9th July 2012 introduced the so called 'unduly harsh test' setting out that deportation of a foreign criminal is in the public interest unless there is a genuine & subsisting relationship with a qualifying child or partner and the effects of deportation on that child would be 'unduly harsh'. 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 the unduly harsh test coupled with the removal of legal aid, means it is now very difficult to win a deportation appeal, with only 8% of appeals allowed on Human Rights grounds in 2021 (the last year for which figures are available).

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. This is a small project which comprises a Legal Manager with occasional volunteer support. This project provided 108 people with advice or representation in the last year.

"My ticket [deportation flight ticket] was cancelled very quickly"



Appeals

There were three appeals heard before the First-tier Tribunal. Of those, one appeal was successful. There were 3 applications to the First-tier Tribunal for permission to appeal to the Upper-tier Tribunal. In 2 of these cases, permission to appeal was granted and a hearing date is awaited. In one case, the Home Office withdrew the deportation decision just as the appeal hearing was due to take place.

Applications to revoke deportation orders

This year, we focused more heavily on applications to revoke deportation orders. We found that for many people, who are appeal rights exhausted, but have not been removed from the UK and are living in the community on immigration bail, it can be very hard to find lawyers willing to look afresh at their case. This may be because such cases

consideration of all prior decisions made in the case, and gathering evidence, including expert evidence, to show a material change of circumstances demonstrating removal would breach their human rights.

There were 9 applications to revoke deportation orders. All are awaiting decisions from the Home Office. In all of these cases, the applicants had lived in the UK for many years and had family life with minor children. All suffered from poor psychological health. Two had parallel family court proceedings and one had a parallel immigration matters as a victim of modern slavery.

All cases required expert evidence, such as Independent Social Worker reports, risk of reoffending reports and mental health assessments, to have a fair chance to make out their case to stay in the UK.

We also took on 2 cases in which the client had already been deported. Applications for individuals who

have already been deported are inevitably complex and challenging to prepare, as access to the internet can be erratic and living conditions abroad precarious.

Applications to revoke deportation orders is an area we will continue to expand upon in the coming year, as individuals in this situation find it particularly challenging to access justice.

Judicial Review referrals

We made 3 referrals for judicial review. These included a refusal of the Home Office to recognize a client's right to Indefinite Leave to Remain, a refusal to grant permission to work and a claim of unlawful detention.

Advice & Assistance on Electronic Monitoring

Issues for clients released on immigration bail but required to wear an electronic tag was a significant trend this year. Tag malfunction, resulting in Breach of Bail Conditions Warning Letters, was the most common problem. We assisted 7 clients who faced this problem.

A selection of client comments

"Everything was excellent"

"I am very happy BID helped me a lot"

"The Home Office withdrew the deportation order. We won thanks to you. We are together as a family & we are very happy. Our daughter does not have to fear for her future anymore."

"My ticket [deportation flight ticket] was cancelled very quickly"

Exceptional Funding Applications (ECF)

Overall BID provided legal advice about Exceptional Case Funding applications to 16 people through our internal project and our partnership project.

16 people were provided with free legal advice from our Exceptional Funding Partnership Project. 6 people were referred for an application for Exceptional Legal aid case funding by volunteer lawyers under BID supervision. 6 of these progressed to a legal aid application and all were granted legal aid.

The ADAP project separately also made 8 applications for ECF, all of which were granted funding. Clients were at all stages of the deportation process, from the initial Liability to Deportation notice to appeal stage or were Appeal Rights Exhausted, requiring a fresh human rights application.

Finding lawyers with capacity to take on cases once legal aid had been granted continued to be a significant challenge due to lack of capacity in the sector. Indeed, we found that some clients at appeal stage required BID's assistance with liaising with the Tribunal and applying for adjournments. This was during the ECF application process and after funding had been granted, as a lawyer could not be found to take on the case.

Prison workshops

We attended advice workshops at HMP Send, HMP Wandsworth, HMP Wormwood Scrubs and HMP Huntercombe. We provided individual deportation advice to 30 people, and provided general information about the deportation process to detainees and time-serving prisoners.



"The Bill extinguishes access to asylum in the UK for anyone who arrives irregularly, having passed through a country – however briefly – where they did not face persecution. It bars them from presenting refugee protection or other human rights claims, no matter how compelling their circumstances"

– UNHCR in their condemnation of the Illegal Migration Bill

Voices from detention

"How I got out of a political prison" - Michael's story

"Immigration officers would come to see me monthly and threaten that if I didn't sign to go back voluntarily I would just stay in prison"

I first came to the UK when I was 6 years old with my mum to join my grandparents and uncles who had already been living here for years, working and minding their own business. As EU nationals we never had to register or do anything to enter or leave, they never knew anything about immigration law or making applications, because of this I never applied to become a British citizen even though I have lived in the UK far longer than the necessary criteria.

My Family had been here for over 20 years and when they gave me paperwork informing me that they intended to deport me I thought it must be a mistake. As I read on I realised that they were claiming they did not have evidence of how long I had lived in the UK, so I began to gather evidence to prove that I had been living in the UK, a hard task for anyone but even more so for someone who only has 30 minutes a day to use a phone due to over 400 prisoners all trying to access only 8 phones on the wing on a very restrictive regime which would only allow 1 hour out of cell per day at most.

With some help from friends and family, I managed to get documents from schools I attended, pay slips from previous jobs and witness statements confirming I had been in the UK. I rushed to send this back within 14 days, hoping that this mistake would be sorted and that they would respond within 14 days as they had demanded of me. Unfortunately, this was not to be.

Almost my whole sentence passed before I got a response from the Home Office informing me they still intended to deport me because I had been sentenced to 6 months for young offenders. My whole world turned upside down from this point and I had no idea what to do. I tried to get a lawyer but everyone I called would refuse to even listen to my case unless I first sent them a payment of £1500. I knew I had no hope of getting representation, so even though I had

no legal knowledge, I had no choice but to represent myself.

After I had sent the paperwork for my appeal I just waited, it was only 2 days before my release date that I received paperwork informing me that they intended to keep me prisoner under immigration powers after my sentence. This news destroyed me not only because I would stay in prison without any idea of a release date but also because I would have to tell my family who had been waiting for my release date for months.

Contrary to popular belief the Home Office does, on occasion, keep to their word. Unfortunately, as I come to learn, this is only when engaging in harmful actions. My release date came and went and I was kept in prison. I had no idea what to do, until someone told me about BID. At my earliest opportunity, I called them off the prison phone and they understood my situation right away. They didn't ask for money, judge me or make it complicated for me in any way.

They taught me about applying for bail and even sent me information packs on how to make my application and even information on how to prepare to appeal my whole deportation case. I prepared my bail application and got ready to go to see a judge and ask to be released. Unfortunately, even though BID's help was very good when I got in front of the judge the Home Office just lied and said that they would remove me in 2 days to prevent the judge from releasing me.

11 months later I was still in prison, and became very depressed and detached from everything. I stopped calling family and friends because I was tired of disappointing them when they asked when I would be coming out. Immigration officers would come to see me monthly and threaten that if I didn't sign to go back voluntarily I would just stay in prison. They moved me from one prison to another bigger more volatile prison, in the hope that a different, more violent atmosphere would make me sign and give up. What they didn't know is that I was already at rock bottom and the only thing I had left to hold on to was the hope of one day being reunited with my family. There was no way I would give that up. **prison**

It was almost a year later that I decided to call BID again and ask that they help me apply for bail again. They told me they would help and that I should keep calling them every day for updates but the prison was put in a long lockdown so I wasn't able to go and make phone calls, so I had no way of getting updates.

Around a week later as I was awake at 6 am after another sleepless night, a prison officer opened my door and announced I was going to court. I had no idea and because of security reasons, they wouldn't let me make a phone call to BID or my family. I felt so desperate because I thought my family wouldn't be there to confirm my address and deposit for bail. I thought I would just get refused again because nothing was ready.

As I walked into the court I was surprised to see my mum and grandparents, I was even more surprised when the judge granted me bail. It felt like a dream that I would wake up from in my cell, I was so confused until I walked out of the court to my family. After we embraced my Mum told me that BID had prepared my whole application and informed her to attend the hearing.

I couldn't contain myself. Even though they took away all my rights, so that I couldn't work, study or even volunteer, I was so happy to not be in prison and to be reunited with my family. But I still knew I had to appeal the deportation order. For the next few months, I read all I could to prepare to represent myself but it was a lot. I felt beyond my depth, but I had no choice, the lawyers were too expensive.

Finally, when the day of my appeal came, I attended court with my family as witnesses and did my best to make my case why I should be allowed to remain. I left the court worried and not knowing the outcome as it would be sent by post. After waiting a month, I got the decision from the judge not only allowing my appeal but also making remarks that I did not even meet the minimum criteria for deportation in the first place.

Since then I have kept in contact with BID and they still help me in many ways such as sharing my story and giving me training to boost my legal knowledge and employability.

Me and my Family will always be thankful to everyone at BID.

Voices from detention

For migrants under 24/7 surveillance, the UK feels like ‘an outside prison’

He’s lived in the UK since he was a small child. But the Home Office wants to deport him — and track him wherever he goes.

In June 2022, the U.K. Home Office rolled out a new pilot policy — to track migrants and asylum seekers arriving in Britain with GPS-powered ankle tags.

The government argues that ankle tags could be necessary to stop people from absconding or disappearing into the country. Only 1% of asylum seekers absconded in 2020. But that hasn’t stopped the Home Office from expanding the pilot. Sam, whose name we’ve changed to protect his safety, came to the U.K. as a refugee when he was a small child and has lived in Britain ever since. Now in his thirties, he was recently threatened with deportation and was made to wear a GPS ankle tag while his case was in progress. Here is Sam’s story, as told originally to Coda News.

I came to the U.K. with my family when I was a young kid, fleeing a civil war. I went to preschool, high school and college here. I’m in my thirties now and have a kid of my own. I don’t know anything about the country I was born in — England is all I know.

I got my permanent residency when I was little. I remember my dad also started applying for our British citizenship when I was younger but never quite got his head around the bureaucracy.

When I got older, I got into a lifestyle I shouldn’t have and was arrested and given a criminal sentence and jail time. The funny thing is, just before I was arrested, I had finally saved up enough to start the process of applying for citizenship myself but never got around to it in time.

In the U.K., if you’re not a citizen and you commit a crime, the government has the power to deport you. It doesn’t matter if you’ve lived here all your life. So now, I’m fighting the prospect of being kicked out of the only country I’ve ever known.

When I finished my sentence, they kept me in prison under immigration powers. When I finally got bail, they said I’d have to wear a GPS-powered ankle tag so that I didn’t disappear. I couldn’t believe it. If I had been a

British citizen, when I finished my sentence that would be it, I’d be free. But in the eyes of the government, I was a foreigner, and so the Home Office — immigration — wanted to keep an eye on me at all times.

My appointments with immigration had a strange quality to them. I could tell from the way we communicated that the officers instinctively knew they were talking to a British person. But the system had told them to treat me like an outsider and to follow the procedures for deporting me. They were like this impenetrable wall, and they treated me like I was nothing because I didn’t have a passport. They tried to play dumb, like they had no idea who I was or that I had been here my whole life, even though I’ve always been in the system.

I tried to explain there was no need to tag me and that I would never abscond. After all, I have a child here who I want to stay with. They decided to tag me anyway.

The day came when they arrived in my holding cell to fit the tag. I was shocked by its bulkiness. I thought to myself, ‘How am I going to cover this up under my jeans?’ I love to train and keep fit, but I couldn’t imagine going to the gym with this thing around my ankle. It’s hard to explain what it’s like to wear that thing.

When I was first released — after many months inside — it felt amazing to be free, to wake up whenever I wanted and not have to wait for someone to come and open my door.

But gradually, I started to realize I wasn’t really free. And people did come to my door. Not prison guards, but people from a private security company. I later learned that company is called Capita. When things go wrong with the tag, it’s the Capita people who show up at your home.

The visits were unsettling. I had no idea how much power the Capita people had or whether I was even obliged, legally, to let them in.

The employees themselves were a bit clueless. Sometimes I would level with them, and they would admit they had no idea why I was being tagged. It soon became clear that the technology attached to my ankle was pretty glitchy. One time, they came and told me, ‘The system says the tag had been tampered with.’ They checked my ankle and found nothing wrong. It sent my mind whirring. What had I done to jolt the strap? I suddenly felt anxious to leave the house, in case I knocked it while out somewhere. I began to move through the world more carefully.

Other times, Capita staff came round to tell me my location had stopped registering. The system wasn’t even functioning, and that frustrated me.

All these issues seemed to make out like I was the one doing something wrong. But I realize now it was nothing to do with me — the problem was with the tag, and the result was that I felt harassed by these constant unannounced visits by these anonymous Capita employees.

In theory, the Home Office would call to warn you of Capita’s visits, but often they just showed up at random. They never came when they said they would. Once, I got a letter saying I breached my bail conditions after not being home when they came around. But I’d never been told they were coming in the first place. It was so anxiety-inducing: I was afraid if there were too many problems with the tag, it might be used against me in my deportation case.

The other nightmare was the charging system. According to the people who fit my tag, the device could last 24 hours between charges. It never did. I’d be out and about or at work, and I’d have to calculate how long I could stay there before I needed to go home and charge. The low battery light would flash red, the device would start loudly vibrating, and I’d panic. Sometimes others would hear the vibration and ask me if it was my phone. Being around people and having to charge up your ankle is so embarrassing. There’s a portable, but it’s slow. If you want to charge up

quicker, you have to sit down next to a plug outlet for two hours and wait.

I didn't want my child to know I'd been tagged or that I was having problems with immigration. I couldn't bear the thought of trying to explain why I was wearing this thing around my ankle or that I was facing deportation. Whenever we were together I made sure to wear extra-loose jeans.

I couldn't think beyond the tag. It was always on my mind, a constant burden. It felt like this physical reminder of all my mistakes in life. I couldn't focus on my future. I just felt on that day when I was arrested. I had done my time, but

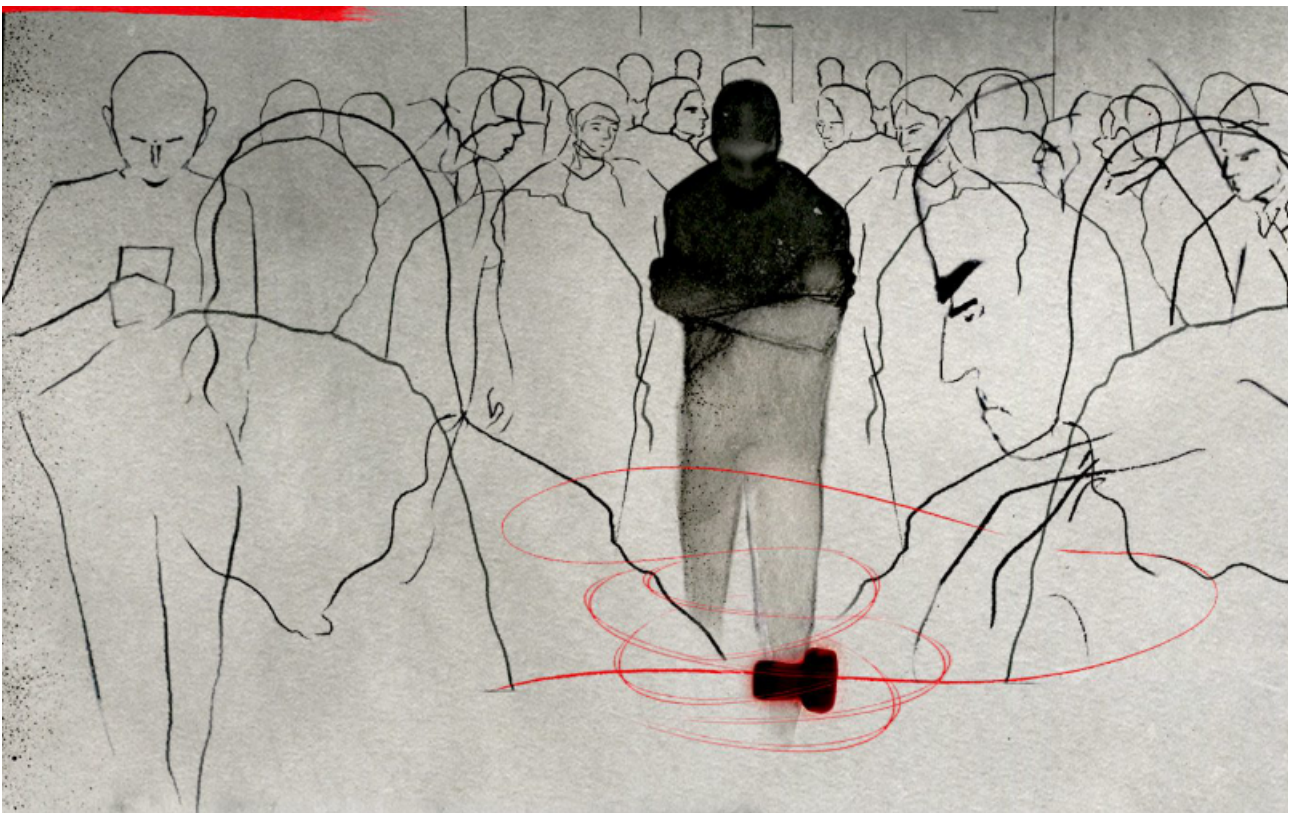
the message from the Home Office was clear: There was no rehabilitation, at least not for me. I felt like I was sinking into quicksand, being pulled down into the darkness

My world contracted, and my mental health went into freefall. I came to realize I wasn't really free: I was in an outside prison. The government knew where I was 24/7. Were they really concerned I would abscond, or did they simply want to intrude on my life? although I'm still facing deportation.

Eventually, my mental health got so bad I was able to get the tag removed. After the tag was taken off, it took me

a while to absorb that I wasn't being tracked anymore. Even a month later, I still put my jeans on as if I had the tag on. I could still kind of feel it there, around my ankle. I still felt like I was being watched. Of course, tag or no tag, the government always has other ways to monitor you.

I've begun to think more deeply about the country I've always called home. This country that says it no longer wants me. The country that wants to watch my every move. I'm fighting all of it to stay with my child, but I sometimes wonder if, in the long term, I even want to be a part of this system, if this is how it treats people.



Client feedback

"Thank you for your support, I was granted provisional freedom, I am waiting for the address of the accommodation to be able to leave, I sincerely thank you for your support, you were God's angels in my life, I don't know you personally but I declare with all my love I love you, thank you so much for the support!"

Client feedback

"After my sentence was over, I was detained. I saw no hope, I had nowhere to turn for help. Then I found BID. Now I have my freedom back. They gave me the help I needed when no one else did. BID is the help you need when detained"

BID relies on its casework and research experience to support applications to intervene, legal challenges and witness statements to support claimants. We summarise some of the main cases and developments over the past year.

A.S.K.

BID intervened jointly with Medical Justice before the European Court of Human Rights (ECtHR), with each organisation being given the opportunity to make written submissions focused upon the ECtHR's question of whether or not detention is used at all times "*with a view to deportation*". The case therefore offered the opportunity for BID to make submissions for the ECtHR to Article 5 of the European Convention on Human Rights (ECHR) in the context of the immigration detention regime operated in the UK. This was also in the context of the high number of cases where the First-tier Tribunal has granted bail, but individuals remain in detention, sometimes for many months pending the allocation of accommodation by the Home Office.

This case is increasingly important in view of Section 12 of the Illegal Migration Act which seeks to allow the detention of people for as long as the Secretary of State thinks is necessary in order for her to find appropriate accommodation.

FOI Appeals re Disclosure of Emergency Travel Document (ETD) Data Relating to Iran, Somalia and Eritrea

BID's appeal against the ICO's decision to support the Home Office decision to refuse to disclose data relating to the numbers of people issued with ETDs by the Iranian Embassy was finally settled by the Home Office, with full disclosure of the relevant data provided. BID now has two further appeals pending against the ICO's decisions to support the Home Office's refusal to disclose similar data relating to the numbers of ETDs issued by the Embassies of Somalia and Eritrea. BID argues this information is essential to allow a meaningful assessment of whether or not removal of a person is imminent and consequently whether their detention is lawful.

Brook House Inquiry

BID provided a witness statement and evidence to the Inquiry that focused upon the experiences of its clients at the time when Panorama aired its programme regarding the abuses suffered by people held at Brook House at the hands of G4S contractors. The final report has made 33 recommendations, including that detention should be time-limited to 28 days.

BID would like to thank our pro bono solicitors

COVID-19 inquiry

BID is working with a number of organisations that have been brought together by Public Interest Lawyers with the aim of informing the Inquiry as to the experiences of people held in immigration detention during the course of the pandemic. This includes evidence relating to the use of prolonged cell and solitary confinement in prisons. Our initial applications to be core participants in the first rounds of the inquiry have been rebuffed, with the suggestion that we and other organisations representing the interests of migrants will have opportunities to contribute at a later stage in the Inquiry.

Manston Short-Term Holding Facility (STHF)

BID Launched a challenge to the Government's use of Manston STHF and its failure to allow people held there to have meaningful access to legal aid lawyers. BID was particularly concerned as people were being held at Manston STHF for extended periods and despite this they were failing to access our services or those of legal aid lawyers. Eventually the situation was resolved after the Government ceased its use of Manston and once it reopened, gave assurances to BID that people would have access to legal advice when held at Manston.

Short-Term Holding Facility Rules

BID worked with Duncan Lewis solicitors to review Statutory Instrument 2022 No. 1345 (The Short-Term Holding Facility (Amendment) Rules 2022) and to request the Equality Impact Statement and other documents under-pinning the decision to extend these Rules and to include amendments that allow the Rules to apply to 'residential' holding facilities.

Electronic Monitoring challenge

BID provided Duncan Lewis solicitors with a second witness statement in support of its ongoing litigation relating to the Home Office's use of intrusive GPS electronic monitoring of people who are granted bail.

"There is a real risk that persons sent to Rwanda will be returned to their home countries where they faced persecution or other inhumane treatment, when, in fact, they have a good claim for asylum' and that the evidence put before the High Court was 'inadequate' therefore finding that Rwanda was not a 'safe third country'"

– Court of Appeal's Judgement which found the UK's Rwanda Policy unlawful.

The Stop the Plane Trial

BID was pleased to work with the lawyers defending four individuals who had been arrested as part of a protest to stop a charter deportation flight to Jamaica. BID was able to provide a detailed statement that explained the legal background and lack of access to legal advice and representation that people in detention face. Although our evidence and that of other independent experts was excluded, we were pleased to provide support and encouragement and a better understanding to the lawyers of the situation in detention centres. We were also pleased that those charged were found not guilty.

"The SOP requires all release decisions for TSFNOs to be authorised by the strategic director; these releases are often subject to additional public protection measures such as ensuring appropriate probation accommodation is in place before the release can take place. [...] 7 TSFNOs with a decision to release under R35 had not been released as of 18 August 2022 and had remained in detention for a further 65 to 105 days by that date." – Independent Chief Inspector of Borders and Immigration, Third Annual Inspection of 'Adults at Risk in Immigration Detention', in regards to continued detention even after bail was granted.



Research, Policy and Campaigning

Informed by the issues faced by clients detained under immigration powers, and the government's continued Hostile Environment policy, BID's research and policy work has explored four areas, summarised below.

Illegal Migration Act

2023 marked the passing of the Illegal Migration Act, which BID opposed in its entirety. This legislation does not comply with the Human Rights Act and puts the UK in breach of its international human right obligations. It places the Secretary of State for the Home Department (SSHD) under a duty to remove people, many of whom will be vulnerable, who arrived irregularly to a so called 'safe third country and increases her power to detain, while reducing judicial oversight.

Following the announcement of the then Illegal Migration Bill, BID published a briefing on the Bill scrutinising many of the clauses. BID worked in coalitions with other NGOs to draft briefings and amendments on several of the clauses.

In particular BID worked on an amendment to the Bill to authorise the automatic allocation of a legal

aid lawyer within 48 hours of a person entering detention (this was tabled in the House of Lords by Lord Bach but sadly did not pass).

We responded to the Joint Commission of Human Rights call for evidence, and submitted evidence on how the Bill does not comply with the UK's human right obligations, including the Refugee Convention and the prohibition on arbitrary detention under Article 5 ECHR. The JCHR published our submission.

BID also campaigned to urge Members of Parliament to vote against the Bill and produced a Write to MP template to mobilise the public.

GPS Tracking Campaign

BID continued its work to campaign against the inhumane practice of GPS tracking non-British citizens including asylum seekers and many people born and/or raised in the UK. GPS tracking is a form of electronic monitoring which became a mandatory condition of bail arising from the 2016 Immigration Act and commenced on 31 August 2021. On 31 January 2022, this practice was extended to anyone else already on bail and on 15 June 2022 in pilot form to people who arrive to the UK irregularly, many of whom are asylum seekers.

The campaign was informed by the research report 'Every Move You Make: The Human Cost of GPS Tagging in the Immigration System', published in October 2022, in partnership with Medical Justice and the Public Law Project. The research found debilitating and harmful outcomes for individuals including increasing social isolation and stigma, a detrimental impact upon people's mental health, in particular leading to anxiety, stress, depression

& PTSD, a disruptive and undermining impact upon interpersonal and familial relationships, such as the ability to care for children and physical pain or discomfort, with varying levels of severity.



BID continued its campaign with Privacy International, Migrants Organise and a former client of BID who has been subject to an electronic monitoring ankle tag. The campaign targeted Capita, a company which holds the contract with the Ministry of Justice, and the Home Office to facilitate GPS tracking.

BID, Privacy international and Migrants Organise showed up to Capita's Annual General Meeting to inform Capita's shareholders of the inhumane practice of GPS tracking through two videos based from testimonies of BID's clients. We also created a parody Capita website as an action page which provided a useful template to write to Capita and urge them to end their electronic monitoring relationship with the Home Office.

Exceptional Case Funding research report

Exceptional Case Funding (ECF) is a route to legal aid for people without protection claims in the UK, but in whose removal will breach their human rights, namely their Article 8 Right to Family & Private Life. BID set up the ECF project in 2019 with four city law firms to train pro-bono lawyers to prepare ECF applications on behalf of clients, supervised by BID's Article 8 Deportation Advice Project (ADAP) Legal Manager. The Project won the Law Works Best New Pro Bono Activity in 2019.

In response to the trends observed in the ECF Project and casework, BID wrote a [research report](#) on the hurdles people face obtaining ECF and the struggle to refer the case to a Legal Aid lawyer once ECF is granted.

The first part of the report looks at the findings from the survey and found that all pro-bono lawyers who responded doubted that their applicants could complete the ECF application without legal assistance, speaking to the complexity of the application process and immigration law in general.

The second part of the report found the most common reason given by firms unable to take on a referral was simply lack of capacity. We engaged with the Legal Aid Agency and the Ministry of Justice on access to justice barriers, including the difficulties explored in the ECF

Communications and fundraising summary

Over the past year BID has seen audience growth across all its communication channels. While raising the profile of immigration detention as a human rights issue, this is also enabling us to communicate with more people than ever significantly growing our fundraising potential. Our website was visited by over 42,000 people last year and we secured 53 media mentions.

This year has been largely focused on raising awareness with some asks both financial (donation) and participatory (free events, challenge events, write to your MP) encouraging people to act.



Round up of the year

2022/23

[August](#)

BID Releases new research report: “Catch 2022”, outlining the difficulties in accessing legal advice in prisons. Survey shows that alarming lack of legal representation and access to justice for detainees in Prison.

[September](#)

BID releases short film, ‘I need Air’, documenting the harrowing experience of being locked up for over 22 hours a day in a cell, a clear violation of the UN’s Mandela Rules.

[October](#)

BID Publishes report, “Every Move you Make: The Human Cost of GPS Tagging in the Immigration System”. It details the inhumane treatment on those forced to wear GPS tags and its effects on their physical, mental, and social wellbeing

[November](#)

“Ignored in the Dark”: BID publishes testimony from a client sister on the inhumane treatment detainees were subjected to during the Harmondsworth Power Cut. The testimony reveals how people were locked in their cells for 72 hours without power, light or running water.

[December](#)

BID takes part in the Big Give, doubling donations for the week raising £6,670 for our advice lines.

[January](#)

BID hosts online event on resisting the proposed expansion of the immigration detention estate. Featuring speakers from BID, Freedom from Torture, Legal Aid, and the Coalition to Keep Campsfield Closed.

[February](#)

On the World Day of Social Justice, BID publishes testimonies from clients held in Yarl’s Wood who outline the horrific conditions they have to endure.

[March](#)

BID shares plea from a member of All African Women’s Group on accessing legal advice in the UK. She highlights the difficulties in accessing justice as she battles through the UK’s asylum system by herself.

[April](#)

As MP’s vote begin voting on the ‘Illegal Migration Bill’ BID launches #BinTheBill campaign, asking supporters to write to their MP’s to stand against it.

[May](#)

BID challenges the Illegal Migration Bill in the house of Lords by publishing 10 reasons why the Lords must #BinTheBill.

[June](#)

BID publishes the experience of an advice line volunteer for Volunteer Week. highlighting reasons why volunteers choose to work with BID.

[July](#)

BID releases statement in solidarity with those affected by the passing of the Illegal Migration Bill as the law strips away their fundamental rights.

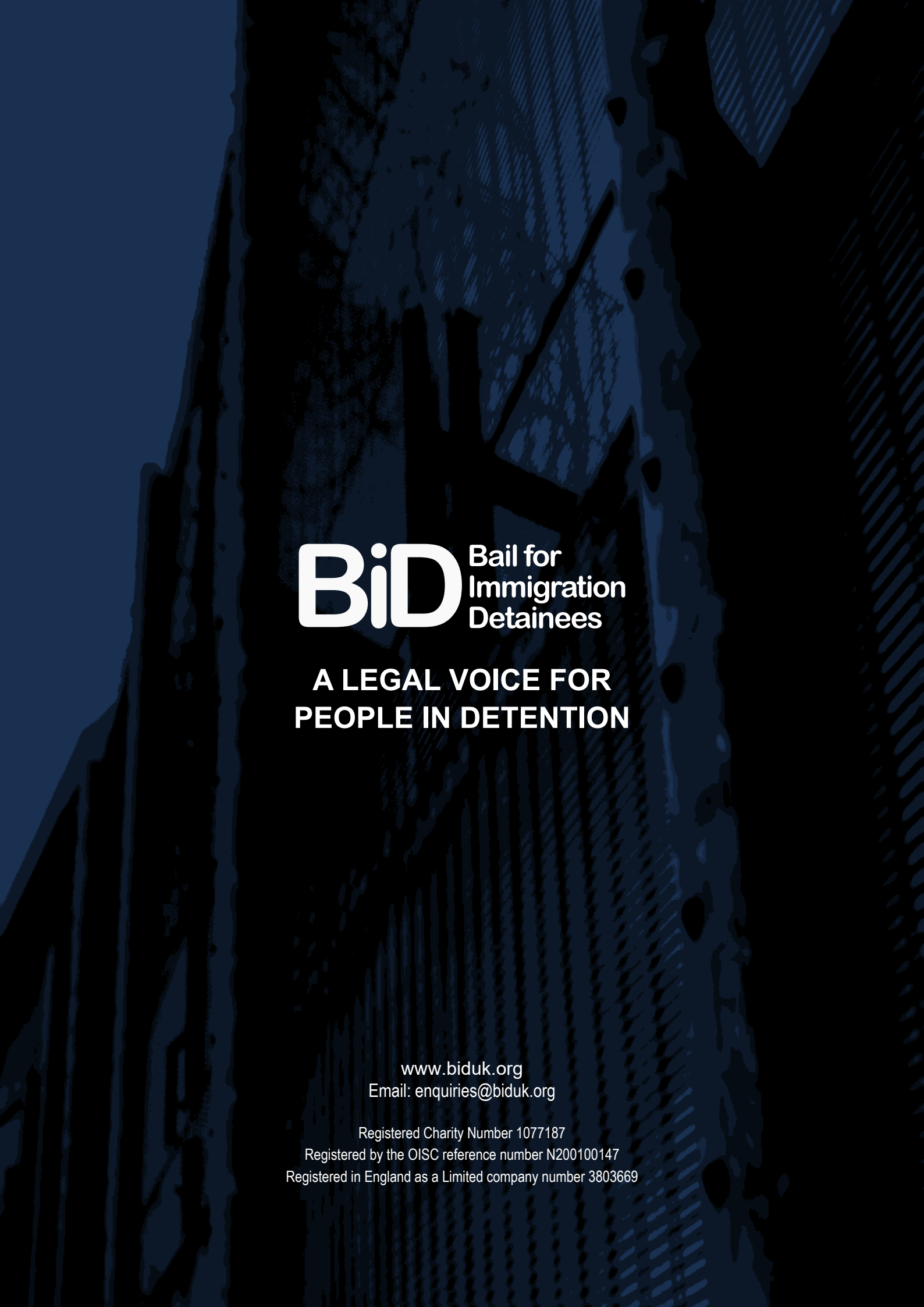
STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED 31 JULY 2023

	Notes	Unrestricted Funds £	Restricted Funds £	2023 £	2022 £
Income					
Grants and donations	3	547,430	-	547,430	413,846
Charitable activities	4	-	126,711	126,711	163,630
Investments	5	6,461	-	6,461	1,364
Total		<u>553,891</u>	<u>126,711</u>	<u>680,602</u>	<u>578,840</u>
Expenditure					
Raising funds	6	71,402	-	71,402	58,281
Charitable activities: -					
Casework and outreach	6	277,788	105,776	383,564	366,355
Separated families project	6	47,281	10,192	57,473	103,009
Deportation project	6	22,026	5,376	27,402	89,877
Research and policy	6	87,638	5,366	93,004	76,231
Total		<u>506,134</u>	<u>126,711</u>	<u>632,845</u>	<u>693,753</u>
Net income/(expenditure) and net movement in funds for the year		47,757	-	47,757	(114,913)
<i>Reconciliation of funds</i>					
Total funds, brought forward		393,365	-	393,365	508,278
Total funds, carried forward		<u>441,122</u>	<u>-</u>	<u>441,122</u>	<u>393,365</u>

BALANCE SHEET AS AT 31 JULY 2023

	Notes	2023 £	2024 £
Fixed assets			
Tangible assets	11	6,500	9,402
Current assets			
Debtors		14,418	16,471
Cash at bank and in hand		617,493	549,456
		<u>631,911</u>	<u>565,927</u>
Liabilities			
Creditors: amounts falling due within one year	13	<u>197,289</u>	<u>181,964</u>
Net current assets		434,622	383,963
Net assets		<u>441,122</u>	<u>393,365</u>
Funds of the charity	15		
Restricted funds		-	-
Unrestricted funds:			
Designated funds		-	-
General funds		441,122	393,365
Total charity funds		441,122	393,365

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.



BiD Bail for
Immigration
Detainees

**A LEGAL VOICE FOR
PEOPLE IN DETENTION**

www.biduk.org
Email: enquiries@biduk.org

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