

## SWVG Policy / Guidance on Removal and Deportation

We hope this guidance will be helpful to SWVG visitors and other members

- To prepare yourself for your client being refused leave to remain
- To brief you if a client wanted to discuss what might happen if they were refused leave to remain.

### Introduction

People seeking asylum are at risk of removal from the UK if:

- they do not have leave to remain in the UK and haven't applied for any;
- their asylum or immigration application is refused; or
- their leave to remain has expired.

In these cases they may be detained at any time and sent to an Immigration Removal Centre (IRC).

Removal can be very rapid e.g. overnight detention when the person makes a regular visit to the police station, simultaneous notice served to their solicitor that their claim has been refused, followed by transfer to an IRC, then removal from the UK via an airport after a minimum 72 hour notification period. It is therefore important that people and their visitors are prepared for this risk.

Some may be able to find new evidence and a lawyer willing to appeal against removal or deportation\*, others may have to face the fact that they will have to return to their home countries.

\* people who have been seeking asylum are 'removed'; people who have committed a criminal offence are 'deported'.

Please refer to: <https://righttoremain.org.uk/toolkit/detention/> and <https://righttoremain.org.uk/toolkit/removal/> which provide up-to-date information and advice.

### Preparation for risk of removal

Without causing undue alarm, consider discussing the possibility of detention or removal with the person you are visiting, and what may happen.

Ensure that the person knows to contact their solicitor immediately if detained and has their solicitor's contact details and SWVG visitor, back-up and co-ordinator contact details written on a card in their wallet. The person's smart phone may be confiscated, they may be provided with a basic phone and SIM so may lose the contacts on their phone.

They should also know to contact their visitor and/or backup or SWVG co-ordinator immediately.

Advise them that non-cooperation with immigration authorities may lead to criminal prosecution. The choice is then theirs.

It is important to have details of the solicitor of the person detained. It is also useful to know the person's date of birth and Home Office ARC reference number, and to have the name and contact details of close friends and/or relatives in the UK who can be contacted and may be able to support.

Find out if there are any contacts in their own country, and note numbers and addresses, in case of sudden removal.

### **If the person is detained**

Call the SWVG co-ordinator and the person's solicitor immediately to let them know, and discuss what to do. Close communication between the visitor, co-ordinator and solicitor is vital.

If the person is arrested or detained at a police station, try to arrange for an overnight bag, some money and any essential medication to be delivered to the person before they are taken to an IRC.

Refer to <https://righttoremain.org.uk/toolkit/removal/> for a list of grounds for challenging the removal. The solicitor should advise whether it should be challenged or not.

There may a lot to do to support them in very short time; therefore with the help of the co-ordinator get together a small team of members and a plan of action. The team should include someone with experience of removal cases.

Information about and risks in the country of origin may be assessed to some extent from sites such as:

<https://www.gov.uk/government/collections/country-policy-and-information-notes>

<https://www.gov.uk/government/publications/country-returns-guide>

<https://www.easo.europa.eu/country-origin-information>

<https://www.unhcr.org/uk/>

If there is tangible injustice, risk and/or bad practice you may need to ask an MP to make representations to the Home Office (see advice on the Right to Remain website, above).

Discuss this first with the co-ordinator and SWVG Exec. Find an MP:

<https://www.parliament.uk/mps-lords-and-offices/mps/>

In exceptional cases, a wider campaign or petition might be considered, possibly aimed at the Home Office or the relevant airline; this would depend on the person's best interests and their agreement.

If they have been taken to a removal centre without their possessions, try to arrange for a reasonable amount of baggage to be delivered. Also check that they have their medication and other essentials.



Information about IRCs : <https://www.gov.uk/immigration-removal-centre>

They cannot be removed without a travel document so find out if they have a valid passport. Refer to <https://www.biduk.org/pages/61-travel-document-project> for detailed guidance about travel documents. It also outlines the possible consequences of cooperation or non-cooperation with the documentation process.

Find out if there are any restrictions on removal to their country of origin, or if the country is known to be very slow in issuing documents (check with BID).

Check the possibility of bail. For this, they need a 'permanent' address. They can get advice on how to make an application by reading BID Notebook on Bail in the Removal Centre library and/or the BID website <https://www.biduk.org/>

Sureties are helpful, though not essential, for bail. SWVG cannot legally, as an organisation, stand bail. Individual SWVG members have stood surety for people in the past, but if the person then “disappears” the visitor is likely to lose his/her bail money (or a proportion of it).

If a visitor does stand surety, it is necessary to maintain frequent contact with the person, and inform the courts immediately if the person does disappear (this does sometimes happen).

### **Visits to Removal Centres**

It is obviously important to maintain contact but phone calls can be difficult to make. It helps to find out the person’s room number and the direct line (if there is one). IRCs are likely to take away people’s smart phones and may provide them with a basic mobile phone, possibly using the detainee’s own SIM.

Check visiting arrangements and booking requirements on the relevant IRC website. You need to take ID with you as stated on the website. There will be restrictions such as not taking mobile phones or other belongings into the visiting room, but some items, (books, clothes etc), may be handed in to staff to be given to the detainee later.

There’s a list of IRCs here: <https://www.gov.uk/immigration-removal-centre> and some have their own website with more information, for example <http://www.yarlswood.co.uk/>

If you cannot visit, we can contact one of the local visitors groups for IRCs; see also <http://www.aviddetention.org.uk/welcome-avid>

You may also need to liaise with the person’s family or friends if they want to visit, and possibly provide them with some information and support.

It is important to be supportive but realistic, encouraging people to plan for the future – whatever that may be. Do not make assurances or promises you may not be able to keep.

### **Healthcare**

The Medical Justice website provides vital information: <http://www.medicaljustice.org.uk/> and it includes an advice page "know your medical rights".

*"While you are in detention, you should receive all the medical care you need to the same standard as in the NHS. This includes emergency care, any treatment, medicine or tests you need and referral or transfer to hospital if necessary. If you are already receiving treatment or taking medicines, this should continue while you are detained. If you need to be referred to hospital, health centre staff may wait for your GP notes, before referring you to hospital. All this is free."*

Please refer to the Medical Justice website page "Help and Referrals". Medical Justice may be able to arrange a visit by an independent doctor.

You may need to try to ensure that your client has their medication available both at the IRC and if they are removed.

### **Removal strategies**

Try to think of someone who would let SWVG know whether the person removed has arrived safely, or ask the person to get in touch with us if they can.

Help them to think through what they might do and where they could go for a place of safety.

- A church or mosque
- International Red Cross
- UN
- An aid agency
- A local charity

Think realistically about other towns they could go to, and work/education they might do.

Give them £100 from SWVG in suitable currency (depending on the country they are being removed to) in small denomination notes.

If the person has money in UK, it may be possible to arrange for the money to be transferred to their home country via Western Union.

### **Member support and de-brief**

Helping a person who is being removed may be exhausting, time-consuming and emotionally wearing. If members/visitors are finding the stress is starting to get too high, perhaps due also to other commitments, then they should tell the co-ordinator. SWVG is there as a team to share the load.

It is important that the visitor and other SWVG members who are involved get together and discuss their feelings, experiences and lessons learnt. An experienced member who is not directly involved may be asked by a coordinator to facilitate this.

### Version control

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