

Committee: City Bridge Trust Committee	Date: 26 th November 2020
Subject: Learning Case Study about Bail for Immigration Detainees	Public
Report of: Chief Grants Officer & Director of City Bridge Trust (CGO)	For Information
Report author: Ruth Feder, Head of Impact & Learning Tim Wilson, Funding Director and Social Investment Fund Manager	

Summary

This paper is a learning case study about Bail for Immigration Detainees (BiD), an independent charity that exists to challenge immigration detention in the UK and current grant holder.

Recommendation

- a) For Members to read the case study and consider the learning for City Bridge Trust.

Introduction

1. This is the fourth learning case study demonstrating the issues faced during Covid-19 by organisations you support and highlighting ways they are adapting their services and approaches. The purpose of these case studies is to identify good practice that CBT, and others, can learn from during this crisis period and as the sector starts to rebuild.
2. This case study focusses on Bail for Immigration Detainees (BiD) awarded £120,000 over five years in March 2019 under Bridging Divides' Advice and Support Programme.

What made Bail for Immigration Detainees unique before the crisis?

3. Immigration detention is part of an administrative process applied to people who are subject to immigration control in the UK. Unlike criminal detainees, immigration detainees can be detained indefinitely and multiple times, in detention centres or in prisons, with no automatic legal advice or representation. They have no automatic right to a bail hearing.
4. BiD is the only independent organisation providing policy advocacy, legal advice and representation, information and strategic litigation for immigration detainees in the UK. Since its inception in 1999, BiD has supported over 45,000 people being detained as part of the immigration process. BiD has 10 members of staff and, until March 2020, 24 casework volunteers, many of whom were volunteering with BiD to be able to accredit as Office of the Immigration Commissioner (OISC) advisers. In addition to casework

volunteers, BiD benefits from the services of barristers representing clients in court pro-bono.

5. In 2010, and as a result of a ten-year campaign combining legal casework, policy advocacy, public campaigning, strategic litigation and media work, BiD, along with other organisations, achieved the end of the detention of children. In 2013 it set up a prisons' project in response to the detention of 1,000 (non-criminal) immigration detainees in prisons. When legal aid was withdrawn for immigration matters, including deportation in 2013, BiD established a deportation project, legal representation, prioritising long-term British residents with British partners and/or children directly, with self-help legal materials for others.

How has Covid-19 affected BiD?

6. At the start of lockdown in March, BiD was unable to retain its 24 casework volunteers because it was unable to provide remote legal supervision. It also had to stop providing its usual face to face legal advice sessions in detention centres or prisons. There was deep concern for the health of detainees during the pandemic.
7. In March BiD wrote to the Home Secretary asking for the release of all immigration detainees because of the risks of Covid within the closed settings of immigration detention. It received a response after eight weeks and while hundreds of detainees were released, many were not, including 313 in immigration detention centres and 340 being held in prisons, the Home Office stating that this was on the basis of "risk of harm".

How did BiD adapt its provision?

8. During the first lockdown, BiD quickly focused its (now home-based) staff resource on one-to-one support for bail applicants. The result was that despite reduced capacity and being able to support fewer people, BiD increased its success rate of securing bail for immigration detainees from 59% in 2019/20 to 96% in the period from 23rd March to the end of July 2020.
9. During this period, BiD also undertook a piece of research into detention decision-making. A detailed analysis of 42 of our successful bail cases during lockdown uncovered systemic problems relating to the Home Office's approach to assessments of risk of harm and absconding, imminence of removal, vulnerability, and failure to take account of the best interests of children. BiD concluded that the Home Office's "risk of harm" basis for detention during Covid-19 was not justified, and that this short-term decision making by the government during a national health crisis failed to take into account public health concerns. Celia Clarke, Director of BiD states: *[The research shows] that there are no meaningful safeguards (such as judicial oversight of decisions to detain) [meaning] that the Home Office is only accountable for its decisions once an individual makes an application for bail or an application for unlawful detention – for which most people need lawyers*
10. The research report is: [Risky Business: Immigration detention during the COVID-19 crisis.](#)

What made BiD particularly resilient during Covid-19?

11. Celia Clarke, Director of BiD, explained that having to adapt swiftly to external circumstances is “in the DNA” of the organisation and because its staff members are energised by working in this way, they were driven by the circumstances of the pandemic. Having five years of funding from CBT has helped maintain job security for staff members, which was vital given the loss of their 24 volunteers. Additionally, their strong campaigning voice and clarity of purpose helped maintain their resilience.

12. Celia stated that the support and trust from CBT was “tremendously heartening” and gave them the confidence to risk focusing on one to one support, with the belief that even if not everything succeeded CBT would value their learning from the experience.

What can City Bridge Trust learn from BiD?

13. CBT can learn from how BiD aggregates the lessons from individual client work and use it to inform public advocacy and work with government. BiD is a strong example of the value of providing five-year funding, particularly for organisations working on long-term, structural issues.

Ruth Feder impact@cityoflondon.gov.uk

Tim Wilson tim.wilson@cityoflondon.gov.uk