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11 March 2016

Immigration Bill – Lords Report - Detention Amendments

I am writing in light of the amendments you tabled on 7 March to the Immigration Bill with regards to a time limit on detention and detention of vulnerable people, as this would significantly impact on our ability to enforce immigration controls and maintain public safety at a time of a high levels of migration and real and growing security threats.

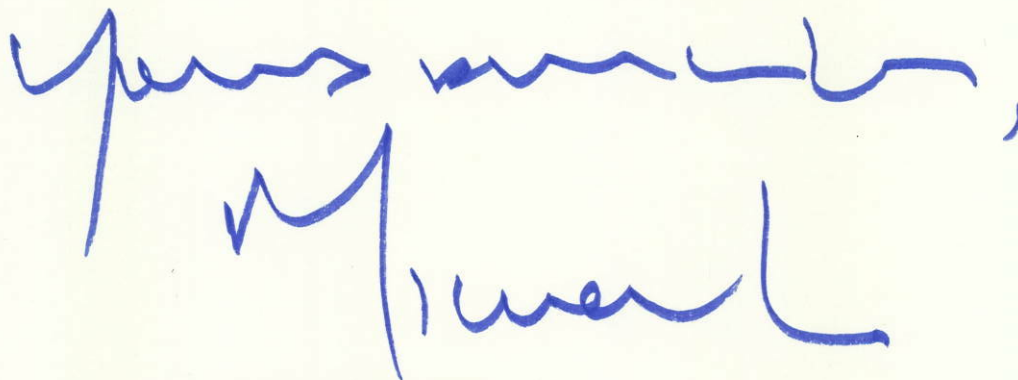
Approximately forty per cent of the 3,000 people detained under immigration powers as at 31 December 2015 were subject to deportation action having been previously convicted of criminal offences in the UK or EU and having refused to leave the UK voluntarily. The overwhelming majority of the remainder had committed an immigration offence in the UK and had similarly refused to leave the UK voluntarily. Only a minority of those within the immigration detention estate had claimed asylum and, of those, well over half had had their asylum claims rejected.

I accept that your amendment would not apply the time limit to certain foreign national criminals. However, individuals who have knowingly broken immigration laws or, at the least, have sought to frustrate legitimate processes, would be able to rely on being released by continuing to obstruct removal by, for example, not complying with documenting process, putting in spurious asylum claims or becoming disruptive when being transported to the airport.

Based on current behaviours, a large majority of those detained would be likely to take advantage of the time limit and it would therefore seriously undermine our ability to enforce our immigration controls and would represent a threat to public protection and to the general public good.

Furthermore, the aggregate time limit of 28 days would make it difficult to re-detain a person if, for example, their travel document subsequently becomes available. It would incentivise individuals to refuse to comply with conditions of immigration bail if they knew that the Home Office is unable to re-detain them because they had already accumulated 28 days in detention.

I wanted to make you aware of our serious concerns ahead of the debate. I am copying this letter to all Peers who have spoken during the course of our Immigration Bill debates, and a copy will be placed in the Library of the House.

A handwritten signature in blue ink, appearing to read 'Rt. Hon. Lord Bates', with a stylized, cursive script.

Rt. Hon. Lord Bates