



Rt Hon Yvette Cooper MP Chair
Home Affairs Select Committee
House of Commons
London
SW1A 0AA

07th February 2019

Dear Yvette,

PILOT: TWO-MONTH AUTOMATIC BAIL REFERRAL

On 24 July 2018, the Home Secretary made a statement to Parliament setting out the Government's response to Stephen Shaw's follow up review of the welfare in detention of vulnerable persons. In that statement, he announced plans to work with the Ministry of Justice to pilot an additional automatic bail referral to the First-tier Tribunal of the Immigration and Asylum Chamber at the two-month point; halving the time in detention before a first bail referral.

I am pleased to announce that the joint Home Office-Ministry of Justice pilot will commence on 10 February. It will run for six months and will be evaluated fully. This is an important additional safeguard for migrants in detention, giving them certainty that their detention is subject to further independent judicial oversight. The pilot builds upon the existing duty on the Home Office, which was introduced last year, to make an automatic bail referral for detainees to the First-tier Tribunal of the Immigration and Asylum Chamber, four months after a detainee enters detention, or from their latest bail hearing (whichever is the later), and then every four months thereafter. In line with the existing duty, the two-month auto bail referral pilot does not include those foreign national offenders who are being deported, or national security cases.

The pilot will apply to those individuals who enter detention from 10 February until 9 March 2019, with these cases being tracked for a period of six months. It is estimated that around 350 individuals may be within scope. Individuals who will be subject to the pilot will be notified of this as part of their induction into immigration detention. As is routine, they will receive an induction pack that will include details of the pilot. Dedicated engagement teams are available at the Immigration Removal Centres to answer any questions they may have on bail or other issues related to their detention or immigration case. Throughout this time, the rights and access to services to which individuals are otherwise entitled whilst detained, will not be affected. All detainees, including those within the pilot, remain at liberty to apply to the courts for immigration bail at any time. They may also choose to withdraw from the automatic referral process and instead, make an application for bail at a time of their own choosing.

This may include individuals who are not quite ready to make an application for bail. Whilst the pilot is underway, the current statutory requirement for considering auto-bail applications at the four-month stage will continue.

Detention caseworkers, Presenting Officers, HM Courts and Tribunal Service staff in hearing centres, Legal Aid Agency managers and Tribunal Judges are being updated of the pilot prior to implementation.

We believe the pilot is an important step in demonstrating our commitment to go further and faster with reforms to immigration detention. I hope that the outcomes of the pilot will support our continued efforts to ensure that we have a detention system that is fair to those who may be detained, upholds our immigration policies and acts as a deterrent to those who might seek to frustrate these policies. I will update you on the progress of the pilot at the half-way point in May and following the evaluation of the key outcomes.

I am placing a copy of this letter in the House library.

Yours ever
Caroline

Rt Hon Caroline Nokes MP
Minister of State for Immigration