



2 Marsham Street
London SW1P 4DF

www.gov.uk/home-office

Rt Hon Harriet Harman QC MP
Chair Joint Committee on Human
Rights
House of Commons
London
SW1A 0AA

07th February 2019

Dear Harriet,

AUTOMATIC BAIL HEARING AFTER TWO MONTHS IN DETENTION

I am pleased to be able to write and announce that the Home Office and Ministry of Justice have launched the pilot to refer detained cases to the First-tier Tribunal of the Immigration and Asylum Chamber at the two-month point. The pilot will commence on 10 February and will run for six months.

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 four months after an individual entering detention, or from their latest bail hearing (whichever is the later), and then every four months thereafter. As with the existing duty, the 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 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.

In my letter of 22 January, I said I would share the success measures, and I intend doing so at the half-way point for the pilot in May, when we can also update you on progress. I will also update on you on completion of the pilot following the evaluation of the pilot's key outcomes. In the meantime, I hope you agree that the pilot is an important step in demonstrating the commitments that the Home Secretary set out to Parliament on 24 July 2018, to go further and faster with reforms to immigration detention. I hope that the outcomes of the pilot will support our continued efforts in ensuring 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 am placing a copy of this letter in the House library.

*Yours ever
Caroline*

**Rt Hon Caroline Nokes MP
Minister of State for Immigration**