

Advice for those supporting students at risk of detention

One of the most important things for individuals with uncertain immigration status or who have been refused their final appeals is for them to accept that they may be detained and possibly deported/ removed. Many preparations can be made before detention that will help them and their supporters launch a strong defence so it is essential that individuals under threat anticipate this and make a plan. Identifying students at risk of detention and deportation is not simple. Your University may have students who have had leave to remain in the past that is then rescinded by the Home Office. Under the present policy, we cannot assume that an individual who has had a claim for asylum accepted will keep that status if conditions in their home country are judged to have changed.

Factors that need to be considered when supporting a student who may be detained

Some students will be reluctant to let anyone know that they are under threat of detention so preparing for that eventuality may need to be handled sensitively. University staff are likely to know the student's immigration status so they are in a position to support students in coming to terms with the possibility and to plan for it effectively. Some students will be happy to be proactive in campaigning (through contacting the media and other potential sources of support) while others may be unable or reluctant to take a high profile. In some cases, students may feel unable to become active on their own behalf - possibly because they are traumatised by their asylum seeking experience and the possibility of being sent back to danger. The University may be able to provide advocacy and support for these students. However it is important that if a defence against deportation/detention is raised, the student is comfortable with the campaign.

Many public campaigns have resulted in getting individuals out of detention and stopping their deportation. However even students with apparently strong cases to remain in the country do get detained and removed. While campaigning and preparation can only improve their chances, it should never be presented as leading to an automatically successful outcome.

What can be done for students facing possible detention?

- **Documentation ready with back up copies:** One of the major problems asylum seekers liable to detention face is that they cannot anticipate when they will be picked up so may not have their documentation with them when they are detained. The NCADC (National

Coalition for Anti-Deportation Campaigns) website gives a useful list of the kind of documentation to carry in case of detention and if possible this information should be copied and held by with a friend or someone the student trusts. <http://www.ncadc.org.uk/campaigns/youmust.htm>

● **Knowing how to get a good solicitor on the case when it happens:**

When asylum seekers are detained, they need to have a good solicitor who will put rapid and forcefully pressure on the Home Office to get the student released. It can be very difficult finding an engaged and interested solicitor so this a task that should be started well before the student is detained. There are a small number of solicitors who may work pro bono who may take up a student's case if they have no access to legal aid or other funding. See:

www.asylumaid.org.uk

www.refugee-legal-centre.org.uk

JCWI (Joint Council for the Welfare of Immigrants) also provides a free legal advice service (www.jcwi.org.uk).

Finding a solicitor if the student doesn't already have one can be a long and difficult process especially when they have reached the end of the asylum appeals process. Some solicitors may be reluctant to start work on a case before their client has been detained as the good ones are very busy, but presenting them with the facts of the case, any new information and introducing them to supporters can be very useful.

● **Contacting support/campaign groups:** Support groups can be very important in terms of providing emotional support for a detainee, or a potential detainee, and can also hold important, practical knowledge about the student's personal circumstances and contact details such as the solicitor's numbers and the names of any professionals involved such as social workers or health workers. If the student is detained, a support group can act as the detainees' 'voice' on the outside.

The NCADC has written a very full and useful guide to campaigning:

www.ncadc.org.uk > Resources > Campaigning

Solicitors will usually appreciate the help of a supporters' group to raise public awareness of the individual's plight, send faxes, letters etc to demand their release and to prevent their deportation if that is threatened. Solicitors may also ask support groups to carry out research relating to the home country or the personal circumstances of the detainee.

Support groups have launched very successful campaigns involving all types of media, public demonstrations, petitions etc and can bring in well known names such as councillors, MP's, local worthies to support the individual. University staff may be very important in this and, as well as providing their own support for a campaign, they may have links to other people who may be able to provide support to a student who you know to

be talented, deserving, popular, courageous student under threat of deportation.

Support for refugee students may also be forthcoming from Refugee Community Organisations and other groups supportive of particular minorities. Their involvement may be essential in collecting information to challenge a Home Office decision to deport someone. Lists of such organisation can be found on AVID's (The Association of Visitors to Immigration Detainees) website (www.aviddetention.org.uk) or from the Refugee Council (www.refugeecouncil.org.uk) or Refugee Action (www.refugee-action.org).

What can be done once a student is detained?

Once someone is detained, communication between them and the outside world becomes difficult. They may be detained a long way from their friends and support networks and phoning and visiting them for emotional support and campaigning may be frustrating. As solicitors should not work with a support group before their client has given them their express permission, it is important that the student lets their solicitor know that they give their consent before they are detained (see above).

▶ **Visiting the detention centre:** Most immigration detention centres have visitors' groups attached to them. If the detainee is far from home, it may be possible to contact the visitors' group so that the student will have some visits to look forward to and a chance to build up local networks. For a list of visitor groups see: www.aviddetention.org.uk > Immigration addresses

▶ **Getting Bail:** The first task is to get the detainee back home and bailed out of the detention centre. This can be done without a solicitor but is better with one.

BID (Bail for Immigration Detainees) (www.biduk.org) can help with information and advice and has a handbook for detainees representing themselves at bail hearings (<http://www.biduk.org/obtaining/notebook.htm>) The website has lots of valuable advice for detainees and their supporters. BID provides training on representation in some detention centres. BID may be able to provide legal representation at the bail hearing (though not a solicitor to carry on working with student) and there may also be local groups who support bail applications who can be contacted via visitors groups or refugee support organisations.

To prepare for the possibility of detention, the student could consider who might be prepared to stand as a bail surety. What is required is someone who is prepared to offer an address and who is prepared to offer a (sometimes substantial) amount of money as a surety in the case of an ex-detainee absconding. The conditions under which bail is given are set by the adjudicator who hears the case and the amount of the surety can be negotiated. Conditions are usually that the ex-detainee must sign regularly

at a Police Station or Immigration Office and that they will stay at the bail address agreed by the Court. Bail is given when the adjudicator is satisfied that:

- deportation is not imminent – i.e. when the Home Office cannot demonstrate that they have a date for removal set
- the detainee will respect the bail conditions set
- that there is sufficient connection between the detainee and the surety that the bail conditions will be binding. On this point, a demonstrable relationship between the detainee and the surety is supported by a history of their friendship or connection through study or through attendance at University

These are only some of these reasons for granting bail – in reality, the granting or refusal of bail may seem very arbitrary and bail hearings may be influenced by medical evidence presented and by other legal processes underway.

It is common for more than one bail surety to be involved – for example one who will offer accommodation and a surety and another who offers just a financial surety. These sureties need to be prepared to go to court to the bail hearing and, if bail is considered, will be asked to show ID, proof of address, evidence that they have access to the sum of money pledged and will be asked how they propose monitor the detainee and stop them from absconding. It is important for the surety to stress an on-going link to the detainee, that the bail surety knows the detainee well and is prepared to maintain their relationship and guarantee that the detainee meets the conditions of bail.

Final points

University staff and students can offer high quality support to students who are liable to detention and/or deportation as they have a demonstrable connection to the student that is based on mutual interest and understanding. University staff and students can launch very powerful campaigns on behalf of their students not least as they enjoy respect in the community and can show a positive face of the ‘asylum seeker’ that is often lacking in press and other media reporting.

The logistics of running campaigns can be very daunting especially if they have to be launched with little notice and preparation. Planned in advance and with the involvement of the individual affected, they can be very successful and can be important tools for raising awareness of issue of detention and asylum seeking in the wider public. They can also have an important empowering effect on the individual at the centre of the campaign who may feel that they are able to act positively in their own defence and to find a voice that may have been denied them as an asylum seeker.

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Resources

The Association of Visitors to Immigration Detainees (AVID) www.aviddetention.org.uk

Asylum Aid www.asylumaid.org.uk

Bail for Immigration Detainees (BID) www.biduk.org

Barbed Wire Britain www.barbedwirebritain.org.uk

Home Office (Border and Immigration Agency) www.ind.homeoffice.gov.uk

The Joint Council for the Welfare of Immigrants (JCWI) www.jcwi.org.uk

National Coalition for Anti-Deportation Campaigns www.ncadc.org.uk

Refugee Action - www.refugee-action.org

The Refugee Council - www.refugeecouncil.org.uk

The Refuge Legal Centre www.refugee-legal-centre.org.uk

Student Action for Refugees (STAR) www.star-network.org.uk