

# Immigration Bail Reporting During the Pandemic

BRIAN DIKOFF - LEGAL ORGANISER

migrants  
organise

migrants and refugees acting for justice

# Who are we?

**We organise:** we work with communities to act for change. We develop leaders to understand their power, their issues, and how to build actions for change.

**We mobilise:** we bring people to strategic actions and campaigns. We urge and support people to take action on the issues affecting migrants and refugees.

**We mentor:** we support and advise people, and connect people with others who can provide support and advice on the journey to integration. We connect people with others who can share knowledge, experience or friendship.

**We train:** we develop people's skills, confidence, experience and capacity to act. We use workshops, training sessions, action and experience to help people to develop.

**We celebrate:** we find and create platforms to recognise people. We celebrate migrants and refugees and their contributions.

# Community Programme

## welfare

ongoing advice and support for debt, destitution, housing, healthcare, etc.

## legal support

ongoing legal advice and support from a direct access accredited immigration barrister

## classes & activities

to learn new skills and develop a sense of community

## outreach

to increase awareness and support migrants in raising their voice

## mentoring

to provide emotional support and combat loneliness

## mental advocacy

strategic project to ensure access to justice for migrants who suffer from mental illness and lack capacity



# Reporting condition

## History

- ▶ Restrictions and conditions imposed on migrants have existed since at least Immigration Act 1971 - schedule 3 paragraph 2 of the act provide power to set “restrictions” on migrants including reporting at police stations for people who were facing deportation but were not detained
- ▶ B v SSHD [2015] EWCA Civ 445 and [2018] UKSC5:
  - ▶ Dealt with the question of whether, where an individual could not lawfully be detained, there was a lawful power to grant bail
  - ▶ CA and SC found there was not
  - ▶ SSHD could have granted temporary admission but claimant in B was subject to deport order.
  - ▶ Paragraph 33 of Lord Lloyd-Jones judgement
    - ▶ *[Where there is no prospect of removal] however grave the risk of absconding or the risk of serious offending, it ceases to be lawful to detain a person pending deportation. Once that position is reached here there is, in my view, no longer a power of detention under paragraph 16 and there is therefore no longer a power to grant bail under paragraph 22 or 29*

# Reporting condition

## What is it?

- ▶ Immigration Act 2016 - every one is put on “bail” and one bail condition has to be imposed
- ▶ Legislation doesn’t provide any preference: reporting condition, detention, residency condition, no study condition and
  - ▶ ”any other condition SS deems appropriate”
- ▶ 76.4% of Migrants who are on bail are given reporting condition
- ▶ In 2018 absconding rate was 3%

# EVALUATION OF HOME OFFICE REPORTING CONDITIONS

Research Report by Migrants Organise  
January 2020

# Reporting condition

## Issues with Reporting

- ▶ There are only 14 reporting centres all around the UK
- ▶ People have to travel for hours, and queue for hours
- ▶ Rude / discourteous treatment
- ▶ Lack of reasonable adjustments
- ▶ Lack of financial support: people on NASS gets roughly £5 per day.
- ▶ Lack of response or ability to vary
- ▶ Criminal offence not to comply + count against individual in the immigration application
- ▶ Often no clear purpose apart from making life difficult

News > UK > Home News

## Asylum seekers forced to travel miles to sign on with Home Office during lockdown

**Exclusive:** Lawyers prepare to challenge 'reckless' decision to continue in-person immigration reporting

May Bulman Social Affairs Correspondent | @maybulman | 2 days ago | 20 comments



In another case, a Nigerian trafficking survivor in her forties, who requested anonymity, said she was “shocked” when she received a text from the Home Office stating that she must continue to report during lockdown.

“It takes me about an hour to get there, on two buses. I’m thinking, that’s not really safe. When you get to the centre you need to take off your coat and put it through machine. They don’t sterilise those machines,” she said.

“You don’t know who has it and who doesn’t. I don’t think it’s safe, but we can’t do anything about it.”

### Read more



**Self-harm up 2,000% in removal centre holding Channel asylum seekers**



**Evicting asylum seekers could place communities at risk, says judge**



**Home Office U-turns on cash support for asylum seekers in hotels**

Another individual, who also didn’t want to be named, said of the reporting centre during lockdown: “There were lots of people. When you enter they check your papers, then you have to go upstairs. This was all inside. There were three lines of a queue outside – many people.

“It was very scary for me, we are many people in the same place.

Some have been on the tube. I have asthma so I can’t breathe properly in a mask. I also have a heart problem and have been told that I am vulnerable to **coronavirus** and should not to leave the house.”

Victoria Marks, director and solicitor at the Anti Trafficking and Labour Exploitation Unit (ATLEU), said: “During the first lockdown, in person immigration reporting was suspended without adverse consequences.

“Yet we are seeing vulnerable survivors of trafficking and slavery, with fragile health, being forced to take unnecessary personal risks during a second lockdown.

“Such a policy is neither legitimate nor proportionate and exposes the Home Office’s callous attitude towards the victims it should be trying to protect.”

Brian Dikoff, legal organiser at charity Migrants Organise, said he was “alarmed” by the Home Office’s “reckless” decision to maintain reporting conditions during the second lockdown, and that it was “completely contradictory” to the government’s strategy of containing the virus.



# Reporting condition and the pandemic

Open with Google Docs

migrants  
organise  
migrants and refugees acting for justice

Helen Bamber  
Foundation  
working with survivors of human cruelty

Rt Hon Priti Patel MP  
Secretary of State for the Home Office

Sent by email to: [witamp@parliament.uk](mailto:witamp@parliament.uk) and [public.enquiries@homeoffice.gsi.gov.uk](mailto:public.enquiries@homeoffice.gsi.gov.uk)

17 March 2020

Dear Home Secretary,  
**Urgent: Immediately Suspend Immigration Bail Reporting Conditions**

Following updated Government guidance regarding COVID-19 issued on 16 March 2020, we request that you immediately suspend all immigration bail reporting conditions.

We are charities that provide support to migrants subject to immigration bail reporting conditions. We are gravely concerned about the welfare of our service users and the wider public health implications of requiring them to report during the ongoing public health emergency.

The Government's latest guidance provides, *inter alia*, that all individuals should:

- Avoid non-essential use of public transport.
- Avoid both large gatherings and non-essential gatherings in smaller public spaces.

In line with the Government's guidance, all immigration bail reporting conditions should be immediately suspended.

Individuals subject to immigration bail reporting conditions must attend Home Office reporting centres at set dates and times. This entails using public transport and waiting in confined spaces with others who are reporting. This constitutes a serious risk of infection and is contrary to the Government's own guidance.

In ordinary circumstances, immigration bail reporting conditions are physically exhausting or painful for individuals with physical disabilities and distressing for those with mental health conditions. The impact of reporting for immigration bail on vulnerable groups is set out in the recent report by Migrants Organise, which is enclosed with this letter. This impact is exacerbated during the present public health emergency.

Many of our service users are asylum seekers with Post Traumatic Stress Disorder (PTSD), depression and/or other serious mental health conditions. Requiring them to continue to report during a public emergency would have a grave impact on their mental health.

Many of our service users also live in overcrowded asylum support accommodation. Exposing them to an increased risk of infection creates a significant risk for the people that they live with, many of whom have underlying health conditions that make them vulnerable to COVID-19.

There is no good justification for requiring immigration bail reporting conditions to continue. Any public interest in managing the risk of individuals absconding is far outweighed by the



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7 April 2020

Mr Brian Dikoff, Migrants Organise  
Ms Jennifer Blair, Helen Bamber Foundation  
(By Email)

Dear Mr Dikoff and Ms Blair,

Thank you for your letter of 23 March to the Home Secretary. The Home Secretary has asked me to reply on her behalf.

I can confirm that, on Wednesday 17 March, we paused immigration reporting for all those who have a bail condition to present at a reporting centre or police station. We have taken a number of steps to communicate this.

An SMS text message was sent to those for whom we hold a valid mobile telephone number. This was followed by updating GOV.UK/reporting-centres with the current reporting position message and ensuring that our reporting centre contact details were available for use as an interim measure. We have also put up posters in the reporting centres themselves. We will continue to send SMS updates to those that we hold a valid number for, updating them on the current situation, including links where they can contact their local reporting centre should they need to. This is part of our plan to maintain contact with those who report during this period.

We have also taken steps to brief our other public facing departments, should a person who is required to report get in contact. They will be advised of the temporary suspension and asked to confirm their contact details. Where police stations have remained open to the public, they too will be delivering the message that the requirement to report has been suspended and those reporting should get in touch to update their contact details. Due to the significant constraints imposed on us by COVID-19 we are constantly reviewing the different ways in which we can communicate with people who are required to report. We have already seen an increase in people getting in contact to update their details.

# Reporting condition and the pandemic

## Issues with Reporting

- Reporting condition resumed during second lockdown. HO introduced a reporting and offender management interim policy for COVID
- Initially includes vulnerable individuals

## UPDATE: HOME OFFICE TO ENFORCE PHYSICAL REPORTING CONDITIONS DURING LOCKDOWN 2.0

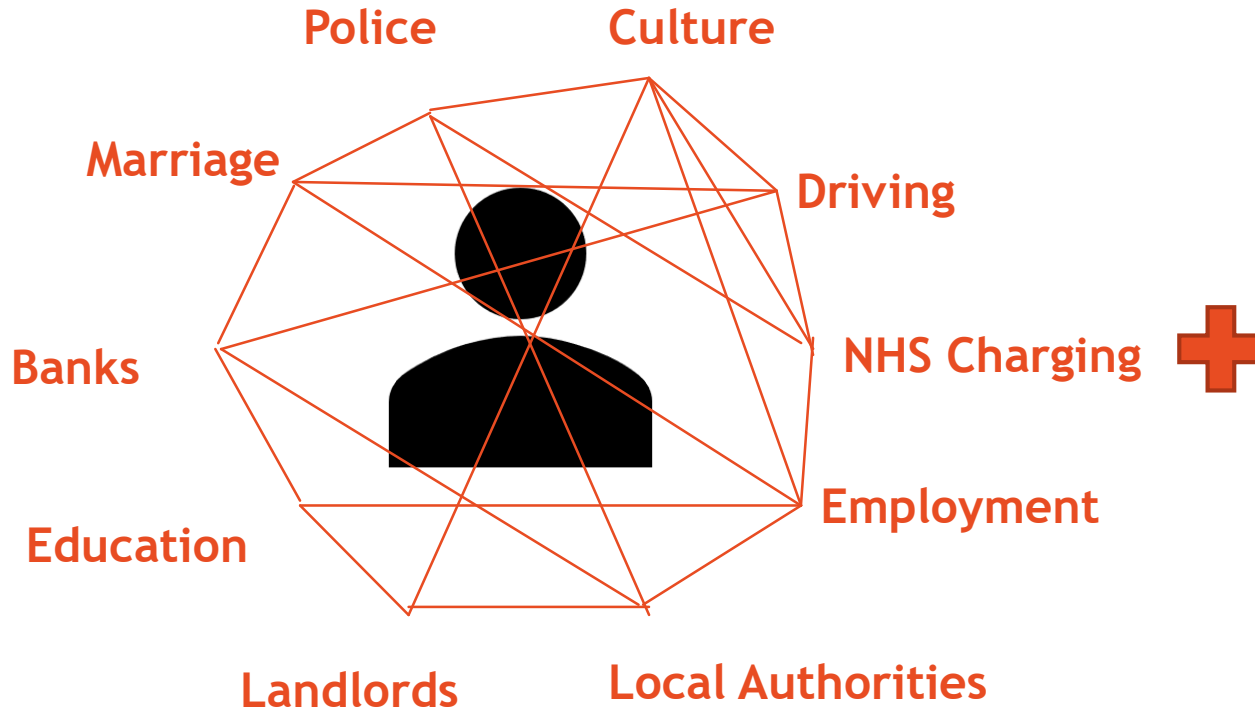
🕒 12 November 2020 👤 Maymuna Osman 💬 No Comments

*The Home Office has confirmed that it has **no plans** to stop the mandatory in-person reporting of migrants. We have expressed our concerns and alarm at this development in writing to the Home Office. Reporting is an act of violence on our communities that are already feeling the full price of Covid-19.*

*Read this blog to find out more about how in-person reporting is putting migrant lives at risk; what you can expect if asked to report; and how to take action to build a movement for migrant justice.*



# A Hostile Environment: “othering effect”



Immigration bail

Legal Aid Cuts

Lack of safeguards  
for vulnerable  
individuals

Indefinite detention  
system

Stricter immigration  
rules (e.g. appendix  
FM)

# Reporting condition

## Issue 1 : blanket reporting condition

- ▶ How do you choose between the different immigration bail conditions?
- ▶ 76.4% of Migrants who are on bail are given reporting condition
- ▶ In 2018 absconding rate was 3%
- ▶ Immigration Bail policy, previous iterations lists only 3 aims of reporting
- ▶ Highlighted to Home Office

The three aims of the Home Office decision-maker when setting bail conditions are listed in the Immigration Bail policy as ensuring that they:

- *enable the Home Office to maintain appropriate levels of contact with the individual.*
- *reduce the risk of non-compliance, including absconding.*
- *minimise potential delay in the Home Office becoming aware of any noncompliance.<sup>2</sup>*

The policy provides some limited guidance as to what must be taken into account by Home Office officials when deciding which bail condition to set. For example:

*When setting a condition of immigration bail, the Secretary of State must be satisfied that the individual will be able to comply with that condition from the start of a grant of immigration bail.<sup>3</sup>*

# Reporting condition

## Issue 1 : blanket reporting condition

- ▶ Current update Immigration Bail policy July 2021 - still no framework

*The number and type of immigration bail conditions to impose will vary depending on the circumstances of the individual case. For example, a person being granted immigration bail from detention while barriers to removal are resolved may require more stringent bail conditions than a person being granted immigration bail from a position of liberty (for example, on arrival at a port of entry or on submission of an in country application) while an outstanding application is considered. This is because, at their respective stages of the process, the latter would generally have more of an incentive to cooperate with the authorities than the former. In reaching a decision on appropriate bail conditions, decision makers must have regard to the matters listed under Exercising the power to grant immigration bail.*

# Reporting condition

## Issue 2 : reporting is not a welfare check

- ▶ HO position is that reporting condition = welfare check, to a certain extent
- ▶ Ignores the history of reporting, and the threat of detention and removal / deportation inherent with reporting
- ▶ Reflected in previous Reporting and Offender management guidance for COVID, before challenge by Duncan Lewis. Current policy removes vulnerable individuals from being required to report

(a) foreign national offenders (FNOs)/High Harm/Special Immigration Appeals Commission (SIAC) or other security cases. Persons who are on Restricted Leave. • (b) those who have shown a willingness to return home voluntarily and where reporting will aid the process of return • (c) those who have not returned home and who have not engaged with our Voluntary Return programme - including delivery of a Detention on Reporting (DOR) • (d) those identified for removal • (e) those who are not immediately removable but have failed to comply with telephone contact and are currently 'out of contact.'

# Reporting condition

## What's the alternative? Telephone Reporting

- ▶ Good: easier for individuals / less burdensome, easier to comply with, allow individuals to maintain contact with the Home Office
- ▶ Bad: state surveillance? Invidious encroachment of hostile environment on the private sphere?

[Home](#) > [Entering and staying in the UK](#) > [Immigration rules](#)

Guidance

## Immigration detention bail: telephone reporting

Telephone reporting allows eligible people to comply with the conditions of their immigration bail over the phone, without needing to attend a reporting centre. This is part of a Home Office pilot programme.

From: [Home Office](#)

Published 12 July 2021

# Reporting condition

## Issue 3 : state surveillance on migrants?

- ▶ ASPEN card monitoring
- ▶ GPS electronic monitoring



**BiD** Bail for Immigration Detainees

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### BiD's Briefing on Electronic Monitoring

Read our briefing on the Home Office's plans to implement new GPS monitoring of immigration detainees on immigration bail.

24 Mar 2021

The Home Office have announced that they are implementing new GPS technology for the electronic monitoring of people on immigration bail. Their most recent bail policy (V.7 January 2021) states that they "historically used an electronic monitoring device known as a 'radio frequency tag' (RFT is an EM device which uses radio frequency technology) but is transitioning to the use of a Global Positioning System (GPS) device (an EM device which uses GPS technology).[1]" The Home Office says it will be publishing new criteria for EM using GPS later in the year yet BID is aware that they are proceeding to move people over to GPS since January 2021.

RFT and GPS differ in that the former is used to ensure a person is where they should be at a given time (i.e., in their residence during a curfew) whereas the latter provides 24/7 real time location monitoring, tracking an individual's every move.

#### Why are we concerned

The purpose of Electronic Monitoring is to *enable the Home Office to maintain appropriate levels of contact with the individual, reduce the risk of non-compliance, including absconding and minimise potential delay in the Home Office becoming aware of any non-compliance.*

The Home Office is using the transition to GPS as a trojan horse to substantially extend its powers of surveillance and to use the data for other inappropriate purposes, including to undermine an



# Community Organising and Actions

## ABOLISH REPORTING!

Anyone who is waiting for a final decision on their application to live in the UK can be required to regularly travel to "sign on" at an Immigration Reporting Centre. Every appointment carries the risk of being randomly taken to a detention centre. These conditions amount to unfair, unjust and unnecessary harassment of migrants, and it has to stop!



## JULY 15: FIRST COORDINATED DAY OF ACTION

Leeds, Manchester, Liverpool, Solihull, London, Bristol

We've had enough of Home Office harassment at immigration reporting centres!

On 15 July 2021, our network organised actions outside six of the 12 Immigration Reporting Centres in Britain, this followed a successful day-long action in Sheffield in June. We delivered letters to the centre managers, listing our demands.

NEWS > [LONDON](#)

## Protestors block immigration reporting centre in London

Campaigners have demanded the Home Office drop the reporting requirement

[VIEW 12 COMMENTS](#)



Campaigners called for an end to 'inhuman' treatment of migrants / [Angela Christofilou](#)

By [Tom Ambrose](#) @tomambrose89 | 16 July 2021

Protestors blocked the entrance to an immigration centre in

# How to help?

- ▶ Join the Abolish Reporting Campaign regional groups or start your own
  - ▶ If you are in London, contact [brian@migrantsorganise.org](mailto:brian@migrantsorganise.org) or [Maymuna@migrantsorganise.org](mailto:Maymuna@migrantsorganise.org)
  - ▶ Outside of London, use form: <https://detention.org.uk/contact/>
- ▶ Challenge reporting condition - if you're an adviser, you can lend support to the campaign by providing legal advice / casework support.
- ▶ GMIAU research on impact of reporting on family and children, contact: Rivka Shaw [rivka@gmiau.org](mailto:rivka@gmiau.org)
- ▶ Join the FIRM movement against hostile environment

Fair

Immigration

Reform

Movement

Charter



**FIRM**

1

### We Demand Dignity

- We demand an immediate end to the Hostile Environment policies and practices
- We demand an end to the asylum dispersal and destitution policy

2

### We Demand Justice

#### LEGAL JUSTICE:

- We demand guaranteed access to free and good quality legal advice and representation
- We demand a guaranteed right to appeal, and an end to out-of-country appeals

3

### We Demand Welcome

- We demand a national inclusion strategy based on the needs of migrants, their communities of arrival and on the principles of welcome, solidarity and anti-racism. This strategy should be sufficiently resourced to support the integral structured inclusion of everybody in society with dignity and respect

4

### We Demand Action

As signatories of the FIRM Charter, we commit ourselves to the following principles and methods of working:

- We shall contribute to and facilitate bottom-up campaigns that are principled, ambitious in scope, and successful in outcome
- We shall ensure that the movement is created, led and directed by migrant and black and minority ethnic communities and representative bodies
- We shall create an inclusive movement that works with individuals and groups on an equal basis, and builds towards greater understanding, respect and unity of purpose
- We shall build regional, national and international alliances, working with migrant and refugee community organisations, anti-racism groups, and other progressive forces

# Get Involved! Sign the charter, Join the Movement!

Sign the **Fair Immigration Reform Movement Charter** to demand Dignity, Justice, Welcome and Action

The **Fair Immigration Reform Movement (FIRM)** unites a call for humane immigration and inclusion policies that can truly reflect our society's democratic values, and that draws on a distinguished history in Britain of standing for the dignity and justice of all.

The Charter emerged as a result of conversations with those who face the sharp end of current policies: with their family and friends, campaigners, politicians, journalists, case workers, volunteers, and many others who support everyone who has been affected by the increasingly brutal immigration policies in Britain.

<input type="text" value="First Name"/>	<input type="text" value="Last Name"/>
<input type="text" value="Postal/Zip Code"/>	<input type="text" value="Email"/>
<input checked="" type="checkbox"/> Show my name on the online petition	<input type="button" value="Sign!"/>
<input type="checkbox"/> Send me updates from FIRM via email.	

Join **Ziba Nadimi**  
and 968 others **Sign the Charter**



Read the FIRM charter in [Amharic](#),  
[English](#), [French](#), [Lingala](#), [Polish](#),  
[Romanian](#), [Spanish](#), [Tigrinya](#)

[firmcharter.org.uk](http://firmcharter.org.uk)

# Thank You