

[Link on “reports’ page: Rebecca Omonira-Oyekanmi: Sometimes facts are enough]

Sometimes facts are enough

Hearing centre: Taylor House, London

Number of hearings observed: 1

Observer: Rebecca Omonira-Oyekanmi

Date: 25 January 2018

Journalist Rebecca Omonira-Oyekanmi (https://twitter.com/Rebecca_Omonira) posted a vivid account of what happened before and at one bail application hearing. The hearing was by video-link.

It was at Brooke ‘House’ detention centre near Gatwick (where the applicant sat) and Taylor House hearing centre in Roseberry Avenue in central London (where everyone else in the case sat including the judge, Home Office presenting officer, journalist, the applicant’s lawyer, and an interpreter).

Thanks to Rebecca Omonira-Oyekanmi for permission to post this here.

Facts of the case

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On 6 May 2016 a teenage boy tried to leave the UK. He was apprehended, convicted of using false documents and sentenced to two months in prison. He was 16, he would turn 17 that December.

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The Home Office didn't believe that he was 16. They changed his date of birth to 1st January 1997, which would make him 19 when he was arrested in May.

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After serving his 2-month sentence for using false documents he was referred to Operation Nexus High Harm.

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“The Home Office says: “For the purposes of Operation Nexus, Foreign National Offenders ... are considered as ‘High Harm’ cases where their conduct incurs significant adverse impact, whether physical, emotional or financial, upon individuals or the wider community.”

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When a person is referred to the high harm team, an assessment is made to see whether immigration enforcement (deportation) is necessary.

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After a conviction for using a fake ID, the young man, aged 16 or 19, was referred to Operation Nexus high harm. But he wasn't deported. Instead he was kept in prison (HMP Hydebank) until December 2017.

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That's an extra 16 months on top of his original 2 month sentence. For using a false document to try to leave the country.

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At some point between May 2016 and December 2017, an asylum claim was made and refused. The young man, then 17 or 20, appealed the decision. Without legal representation. He lost.

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In Dec 2017 he was moved to Brook House detention centre. He was interviewed by a foreign authority to establish citizenship & obtain travel documents. This wasn't the first interview, since mid-2017 he had complied with other attempts to obtain travel documents for removal.

What happened in the bail hearing

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Yesterday, after nearly two years in detention, the now 18 or 21 year old, applied for bail. The Home Office sent someone to court to challenge the application.

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The bail application was heard at an immigration tribunal in London. The pale young man wearing a red anorak and white T-shirt appeared by video link. He sat alone at a table in a small room.

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This time the young man had representation, a duty solicitor had picked up the case in detention and a barrister was at court to represent him, and a translator, And a journalist observing proceedings (me)

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In order to make a decision the judge told him that she would need to consider whether there was any prospect of him being removed in the near future and whether there were grounds for believing he might abscond or be a risk to the public

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The young man said in English: "It is not my intention to escape, I would like to live here. When I was detained I didn't know where to go."

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The questions you have reading this, the judge had too. She asked them and got no answers. The barrister representing the young man had been given little information about the case. The Home Office representing officer had little information about the case.

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No record of the age dispute, no record of the asylum determination, no explanation about the high harm referral. No explanation why he was held in prison for 16 months.

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The judge granted bail. The young man, age 18 or 21, will be released today.

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He has been given a bail address in Glasgow. There he will have to report to the Home Office once a week for 3 months. Then his case will be looked at again.

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It was hard to read the expression on the young man's face from the video link, but he said before leaving the room, "Thanks for everything".

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Wrote that up without comment because sometimes facts are enough. But even by their own draconian rules (detention for immigration purposes is legal under immigration legislation going back to Immigration Act 1971) HO fucked up massively on this one.

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this is my opinion but I swear even the Home Office guy looked embarrassed

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More facts: The Home Office has paid out roughly £16 million in unlawful immigration detention cases since 2012. 601 cases in total. (source Hansard written question & answer from Robert Goodwill)

