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| To: | D687 Brook House |
| cc: | |
| Fax number/ email address: | Brookhouseirc@homeoffice.gsi.gov.uk |
| HO Reference | A1397783 |
| From: | S. Suseelan |
| Team/Location | CCWK19, 12 th Floor, Apollo House, Croydon, CR9 3RR |
| Tel number: | DPA |
| Date: | 26 April 2017 |
| Pages: | 3 |

Dear Mr **D687**

I am writing to you to confirm we have considered the report dated 15 April 2017 provided by the medical practitioner at IRC Brook House, notifying us of a special illness or condition. Information contained within the report has been considered and the decision to detain you has been reviewed.

A note has been taken of your account which has been outlined in the Rule 35 report. You detail ill-treatment at the hands of two family members in **Sensitive/Irrelevant** when you were 6 years old.

You have stated that, although you do not recall much details of the events and is also reluctant to disclose the details known to you, you remember to have escaped to a camp in **Sensitive/Irrelevant** along with your family and an extended family member where they tried to rape you at night. You claim they had AK47 and one of the person held your hands together whilst the other pulled your trousers down. However, they were disturbed and nothing else happened.

You have further stated that you have never disclosed these events to anyone before and once you almost jumped from a bridge but some friends passing by discouraged you. You were not previously known to mental health services.

The medical practitioner documented the mental and physical examination he gave you and noted for the last 3 months you have started hearing voices and feel very stressed and emotional. You have difficulty in sleeping and very concerned about being deported. You appear tearful on presentation. He went on to state that you are currently not taking any antidepressants but you remain under the care of the Mental health team within the removal centre.

The report further states, you do not have any scars relating to the account but it is consistent with the account you described to him. The doctor concluded, in their opinion, you may have been a victim of torture and further investigation is required. He gave no assessment as to the impact of ongoing detention on you.

Your claim of ill-treatment has been considered in line with the guidance set out in the 'Detention Services Order 9/2016' as well as the 'Adult at Risk' policy. For the purposes of this Rule 35 report, the following definition, given in the case of **EO & Ors. [2013] EWHC 1236 (Admin)**, has been applied:

"Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed, or intimidating or coercing him or a third person, or for any reason based upon discrimination of any kind."

IS.335

In relation to your claim of ill-treatment, your account of ill-treatment does meet the above definition of torture. Accordingly, it is accepted that the evidence provided meets Level 2 and as such, you are regarded as an Adult at Risk under the policy.

Your detention has been reviewed and the report considered when determining your suitability for detention under the 'Adult at Risk' policy.

Immigration Factors

You arrived in the United Kingdom at Heathrow Airport on 2 November 1994 with your siblings as a dependant of your mother on a family reunion visa issued in Addis Ababa, Ethiopia on 20 September 1994. On 25 September 1997, you were granted Indefinite Leave to Remain as a refugee, as a dependant of your mother.

Following your conviction on [Sensitive/Irrelevant] you were considered for deportation action. However, on 22 November 2012, the Director had approved the submission proposing to cease deportation action against you on the grounds of a breach of Article 3.

On 23 November 2012, you were released from detention. However, you reoffended and following your conviction on [Sensitive/Irrelevant] you were served with your Notice of liability to deportation questionnaire (ICD.0350AD).

On 20 March 2015 you were detained under Immigration powers.

On 30 July 2015, your refugee status was ceased.

On 14 August 2015 deportation was signed and it was served on 19 August 2015.

On 26 August 2015, appeal was lodged against decision to deport you. Your appeal was dismissed on 29 June 2016. Your permission to appeal to the Upper Tier was refused on 9 September 2016 and subsequently you became appeal rights exhausted.

On 2 March 2017, you submitted further Asylum based representation which was considered and refused on 15 March 2017 without an in country right of appeal then your case was added to a pool of cases awaiting enforced removal to Somalia.

Public Protection Factors

On [Sensitive/Irrelevant] at [Sensitive/Irrelevant] you were convicted for [Sensitive/Irrelevant] [Sensitive/Irrelevant] to 3 years' imprisonment on [Sensitive/Irrelevant] You were also required to pay a victim surcharge of [Sensitive/Irrelevant] You did not lodge an appeal against the sentence or conviction.

Between [Sensitive/Irrelevant] you were convicted 15 times for 25 offences including, [Sensitive/Irrelevant]

Sensitive/Irrelevant

You are subject of a signed Deportation Order.

Balancing risk factors against immigration control factors

Careful consideration has been given to balancing the need to promote your wellbeing whilst in detention against the risks of harm to the public and the need to maintain effective Immigration control.

Your detention is considered proportionate to your circumstances, particularly taking into account your immigration history and criminal record. Although you entered the UK with valid leave, your refugee status was ceased on [Sensitive/Irrelevant] following your conviction on [Sensitive/Irrelevant] You currently do not have any valid leave in the UK therefore you are not entitled to take up employment or access to claim any benefits. Therefore you would have no means of supporting yourself and it will be highly unlikely that you will comply with any release conditions. Furthermore, it has been noted that you have been refused IAC bail as recently as [Sensitive/Irrelevant] and the presiding Judge highlighted the risks of absconding and of reoffending in his remarks as follows:

"(i) The appellant, subject to a deportation order, has exhausted all rights of appeal. He does not have on foot any application and the respondent is endeavouring with expedition to deport him to [Sensitive/Irrelevant] In

evidence the applicant emphasised his determination to remain in the UK. The applicant has little incentive to surrender to bail and presents a distinct absconding risk.
(ii) The applicant poses a real risk of harm to the public"

You are a persistent offender who has committed 25 offences and your pattern of behaviour demonstrates a potential risk of harm to the public. It is considered that you pose a risk of absconding and reoffending if released.

In light of all these factors, it is considered unlikely that you would leave the UK voluntarily if released and that you would be unlikely to comply with any restrictions placed upon you. Although it is accepted that you are an Adult at Risk, the Doctor has not indicated that a period of detention is likely to worsen your symptoms.

You have been assessed as fit to travel and there are currently no barriers to your return. You can be removed to Sensitive/irrelevant on an EU letter and your removal is expected to be undertaken within the next 8 weeks.

Conclusion

It is acknowledged that you are an Adult at Risk but it is considered that your removal can be enforced within a reasonable timescale.

Therefore when balancing the indicators of vulnerability against the negative immigration factors highlighted above and the timescale for your removal, it is considered that the negative factors outweigh the risks in your particular circumstances. Therefore a decision has been made to maintain your detention.

A copy of this letter has been forwarded to your legal representative, where you have one.

Yours sincerely,

PP DPA
S.Suseelan
CC CWK19