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Duncan Lewis

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Duncan Lewis Fax	
To: 01512136598	Company: Immigration Enforcement
Fax:	Your Ref: A1848650
From: Alexander Schymyck	Our Ref: Sensitive/Irrelevant
Date: 13/04/2017 00:00:00	Email: DPA
Direct tel:	
Re: Urgent Correspondence re Rule 35 Report and Adults at Risk policy	

Duncan Lewis

Spencer House
29 Grove Hill Road
Harrow-On-The-Hill
Middlesex
HA1 3BN

t: 020 7923 4020

f: 020 7923 3320

DX: 4216 Harrow

email: contact@duncanlewis.com

www.duncanlewis.com



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**Duncan Lewis**

Shane Byrne
Immigration Enforcement

By e-mail:

DPA

Clare Ormerod
Immigration Enforcement

By e-mail:

DPA

Immigration Enforcement
By fax: 0151 213 6598

Correspondence Address:

Spencer House
29 Grove Hill Road
Harrow On The Hill
HA1 3BN
DX 4216 Harrow

t: 020 7923 4020

f: 020 7923 3320

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Alexander Schymyck

Immigration

ddi:

DPA

DPA

Branch: Harrow

Our ref: Sensitive/Irrelevant D1527

Your ref: A1848650

Date: 13 April 2017

Dear Sirs,

NAME OF CLIENT : D1527
DOB : DPA (disputed)
NATIONALITY : Egyptian
HO REF : A1848650

We write on behalf of the above-named client, for whom we are already on record.

Today, 13th April 2017, our client underwent a Rule 35 Assessment at IRC Brook House conducted by Dr Oozercally (enclosed), in which he states:

He appears credible. He may be a victim of torture and his scars are consistent with the account. He clearly has mental health issues, but I am unsure whether detainment has a negative impact on this as he has tried to harm himself in the community.

Whilst we are pleased that Dr Oozercally has recognised our client may be a victim of torture and has clear mental health issues, it is extremely concerning that he has not come to a conclusion on whether detention has had a negative impact on his mental health. Our client has active plans to take his life, which have been acknowledged by you and led to the operational decision to place him on

constant watch. It is therefore essential that the Secretary of State for the Home Department is in possession of all the necessary information before she reviews the Rule 35 Report under the Adults at Risk policy.

The Secretary of State for the Home Department's *Adults at Risk in immigration detention* states:

On receipt of a Rule 35 report, the decision maker should review the report to ensure that it meets the required standards and, if the report does not meet the required standards, it should be returned to the medical practitioner with a request for the necessary information.

It is clear that this Rule 35 Report does not meet the required standards for assessment under the *Adults at Risk* policy. The impact of detention to date and the likely impact of on-going detention on the health of our client will central to the Secretary of State for the Home Department's decision on which category of evidence this Rule 35 Report should be considered within. The Rule 35 Report must contain a clear statement on the impact of detention on our client's mental health.

On 6th April 2017, we submitted a letter from Tiago Brandao (enclosed again for your convenience), a mental health professional who previously worked with our client. His letter stated serious concerns about the continued detention of our client:

I strongly believe that, for his recovery, D1527 needs intense and specialist support which can ensure that he is appropriately medicated and complying with his treatment as well as receiving the emotional support and therapeutic input he so desperately needs. Keeping this in mind I believe that is extremely dangerous for his young person to be detained in a place that does not provide this support.

We request that you immediately remit this Rule 35 Report back to Dr Oozercally at IRC Brook House for urgent reconsideration of these issues. The doctor should be referred to the letter of Tiago Brando and the copious evidence available in our client's medical records, which strongly suggests that his mental health conditions have precipitous deteriorated since his detention began.

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In addition, we submit that when reviewing our client's Rule 35 Report, you must also consider the letter from Tiago Brando, which provides a clear assessment that continued detention will be harmful to our client. When read together, the Rule 35 Report and Letter from Tiago Brandao amount to Level 3 Evidence.

Failure to comply with either of these requests will render any decision under the *Adults at Risk* policy unlawful.

If you have any queries, please contact Alexander Schymyck by telephone on DPA.

Please ensure that you quote our reference number Sensitive/Irrelevant D1527 in all correspondence and communications with this office.

Yours faithfully,

DPA

Duncan Lewis