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Immigration Enforcement

Op Nexus High Harm Team

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DPA

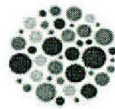
www.gov.uk/uk-visas-immigration

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To:	Alexander Schymyck
Name/Directorate/ Building (Address)	Duncan Lewis Solicitors
Fax Number	DPA

Re: Mr	D1527	Egypt	DPA
Your Ref:	Sensitive/Irrelevant	D1527	Our Ref: A1848650
Please see attached letter for your attention			

From:	TM10 Op Nexus High Harm Team Immigration Enforcement Op Nexus High Harm Team 1st Floor Capital Building Blue Zone New Hall Place Liverpool L3 0BP
Tel:	DPA
Fax:	



Duncan Lewis

Detainee Escorting and Population Management Unit

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Alexander Schymyck
Immigration

ddi: **DPA**

DPA

Branch: Harrow

Our ref: **Sensitive/Irrelevant** **D1527**
Your ref: **A1848650**
Date: **31 March 2017**

Urgent – Request for Transfer from HMP Belmarsh to an Immigration Removal Centre

Dear Sirs,

NAME OF CLIENT : **D1527**
DOB : **DPA**
NATIONALITY : **Egyptian**
HO REF : **A1848650**

We write on behalf of the above-named client, please find a client authority form enclosed.

Background

Our client is an Egyptian national born on **DPA**. He has been detained at HMP Belmarsh under immigration powers since 13th December 2016.

Considering under the Adults at Risk policy

reviewing the detention of vulnerable adults entitled *Adults at risk in immigration detention*, published on 6th December 2016. The policy operates primarily as a framework for categorising

Rule 35 Reports and balancing evidence of vulnerabilities against other factors. In relation to Rule 35 Reports the policy states:

The purpose of Rule 35 is to ensure that particularly vulnerable detainees are brought to the attention of those with direct responsibility for authorising, maintaining and reviewing detention.

Rule 35 of the Detention Centre Rules 2001 sets out the requirement for doctors working in immigration removal centres to report on any detained person:

- *whose health is likely to be injuriously affected by continued detention or any conditions of detention*
- *who is suspected of having suicidal intentions*
- *for whom there are concerns that they may have been a victim of torture*

Our client engages all three of these considerations, therefore if he was in an Immigration Removal Centre he would be referred to a GP for a report covering all three indications of vulnerability. The Rule 35 Report would then be categorised, with the following presumptions applied in accordance with the policy:

For the purpose of the adults at risk policy:

- *a report under Rule 35(1) (a detained person whose health is likely to be injuriously affected by continued detention or any conditions of detention) will normally amount to level 3 evidence*
- *a report under Rule 35(2) (a person suspected by the doctor of having suicidal intentions) will not always necessitate a review of the appropriateness of detention*

that they may have been the victim of torture) will normally amount to at least level 2 evidence

Continued/

Due to the combination of vulnerabilities presented by the client, it is likely that his Rule 35 Report would amount to Level 3 evidence.

We request that you immediately arrange for a detention centre GP to visit HMP Belmarsh to assess our client and produce a report for consideration under the *Adults at Risk* policy.

Request for transfer to an Immigration Removal Centre

We request that our client is immediately transferred to an Immigration Removal Centre. In the *Enforcement Instructions and Guidance Chapter 55.10.1* it states:

Any individual may request a transfer from prison accommodation to an IRC. Prompt and evidenced consideration must be given to such a request and, if rejected by DEPMU, the individual concerned will be given written reasons for this decision.

If this request is removed, we request that you provide written reasons substantiated by relevant documents.

Aggravation of Unlawful Detention

Our client is currently being held on the 'Convicted Basic' regime at HMP Belmarsh, which involves spending approximately 22 hours a day in his cell, wearing prison clothes and being denied access to a mobile phone. These conditions are much worse than the prevailing conditions within Immigration Removal Centres and completely inappropriate for an immigration detainee. The

at HMP Belmarsh.

Action Requested Immediately

1. DEPMU should re-consider the decision to detain our client at HMP Belmarsh and move to an Immigration Removal Centre.
2. If the decision is maintained, DEPMU should provide written reasons within 24 hours.
3. Arrange a Rule 35 assessment by a detention centre GP.

Disclosure Request

In order to ensure that this matter can be resolved with minimal recourse to public funds, we request the immediate disclosure of the following documents:

- IS.91R Reasons for Detention Letter
- Monthly Progress Reports
- Detention Reviews
- GCID Notes

We also wish to put you on notice that we are investigating the lawfulness of the decision to detain the client and the decision to detain him in a prison rather than a detention centre.

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.

IMG020

Continued/

Yours faithfully,

Signature

Duncan Lewis



Duncan Lewis

CLIENT AUTHORITY

Name of Client:

D1527

Client's Address:

HMP BELMARSH
WESTERN WAY

Date of birth:

DPA

(disputed)

II Number:

My Solicitors	Duncan Lewis Solicitors
Correspondence address	Spencer House, 29 Grove Hill Road, Harrow-On-The-Hill, HA1 3BN
Contact	Switchboard: DPA Fax: DPA Email: admin@duncanlewis.com
Branch	Harrow
Fee Earner	Alexander Schymyck / Lewis Kett
Direct Dial	DPA
Case Ref. Number	A208890002

To:

Confirmation

I hereby authorise you to release to my solicitors above, any notes, records, reports, papers, correspondence, information or documentation concerning me, in your possession, which they may require of you, including specifically if requested, my previous solicitors' files (including attendance notes), and all medical records relating to me that you may hold. Please quote the above case reference number in all correspondence.

Signed:

Signature

Dated:

29/03/17