

DETENTION REVIEW

Name:	D1914	HO Ref:	C1346228
Nationality:	Romania	NOMS Ref:	-
D.O.B.	DPA	DC/Prison Ref:	-
Location:	Brook House IRC Perimeter Road South London Gatwick Airport GATWICK West Sussex RH6 0PQ	Date of last (IS. 151F)	23/05/2017 – Month 2 – AD
Date of initial detention:	28 March 2017	Next review due/type	18/07/2017 – Month 3 – SEO
Legal basis of detention: Paragraph 2(3) of Schedule 3 of the 1971 Immigration Act			
All Deportation Papers Served: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please list the papers served here Certified deportation decision (ICD.4933 EEA) and copy of signed Deportation Order {ICD.1104 (EEA)} served 11 April 2017.			
Risks:	Absconding	<input checked="" type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	
	Re-offending	<input checked="" type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	
	Harm	<input checked="" type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	
Assessment by CO			
Outstanding barrier to deportation including estimated timescales for resolution:			
1. Injunction preventing removal pending JR application. 2. Re-setting of RDs 3.			

Detention Review Period and Authorisation

Monthly detention	Carried out by	Grade	Authorised by	Grade
Month 3	Paul Benson	EO	James Digby	SEO

1. Immigration History.

D1914 claims to have been residing in the UK since 2009. As an EEA national, he would not have been subject to immigration control at the point of entry into the UK.

Sensitive/Irrelevant

In light of his convictions, he was served with notice of liability on 31 March 2017.

On 31 March 2017 he made a number of representations, including health matters, which were considered in notice of decision to make a deportation order.

On 10 April 2017 he was made the subject of a certified deportation decision, certified under Regulation 33 of the Immigration (European Economic Area) Regulations 2016 and a signed Deportation Order these documents were served on him on 11 April 2017.

On 12 April 2017 confirmation was received of his fitness to be detained and fitness to travel.

On 13 April 2017, removal directions were requested and set for 28 May 2017, with escorts including a medical escort.

On 18 April 2017, he was rush to hospital claiming the he had chest pains. However, he was released from the hospital the following morning and returned to the removal centre. On his return he was assessed as being both fit to be detained and fit to travel.

On 19 April 2017 his representatives wrote in stating that he was not fit to be detained, due to his heart condition and that he should be released on Temporary Admission. Response set 21 April 2017, advising representatives that Healthcare Services were aware of his medical condition but had advised that he was fit to be detained and fit to travel.

On 20 May 2017 removal directions were set for 28 May 2017. On 27 May 2017 Healthcare assessed **D1914** as being both fit to be detained and fit to fly.

On 28 May 2017 removal failed due to his disruptive behaviour. “..Captain refused to carry subject and escorts stating that the subject claimed he would make enough noise to disrupt his aircraft and that he would induce a heart attack as he was awaiting further treatment here in the UK.”

On 29 May 2017 he made an application for IAC bail.

On 05 June 2017, removal directions were re-set for 12 June 2017.

On 07 June 2017 an Order was received restraining the Home Office from removing **D1914** before his application for a JR had been heard. As a consequence RDs were cancelled.

On 08 June 2017 TA request received

On 13 June 2017 caseowner requested that the JR application be expedited.

2. Brief description of the offence(s) committed which have led to deportation being pursued and any relevant judge’s sentencing remarks.

Sensitive/Irrelevant

3. Offending History.

Sensitive/Irrelevant

4. Deportation casework status.

All deportation paperwork served. No outstanding representations.

5. Known or claimed medical conditions (including mental health and/or self-harm issues, PTSD, Risks of suicide).

D1914 has heart condition, which is being managed by medication. Although he was rushed to hospital on 18 April 2017, he was return to the IRC in the morning and assessed as being both fit to be detained and fit to travel.

6. Current barriers to removal (including documentation and compliance).

Injunction preventing removal pending the hearing of permission to apply for JR.

Compliance – Yes/No?

If no, is s35 criteria met/not met?

When do we expect a travel document/EU letter to be issued?

1-3 month

X

3-6 months

6+ months

7. Assessment of risk of absconding.

High - It is not known if [D1914] has family life in the UK. It is considered that even if he has family life in the UK, it would not be unfounded to conclude that his family would not be in a position to prevent him from absconding, should he choose to do so. He is subject to a certified deportation decision and signed Deportation Order and it is considered that he has little or no incentive to remain in contact with the authorities and is highly likely to abscond if released.

8. Assessment of re-offending.

High - [Sensitive/Irrelevant] Sensitive/Irrelevant
[Sensitive/Irrelevant] He has clearly shown by his own actions and convictions that he presents a current risk of re-offending.

9. Assessment of risk of harm to the public.

High - [D1914] is a persistent offender and with lack of any evidence to suggest he has sought to address and correct his offending behaviour, it is considered that he poses a risk of harm to the public or a section of the public.

10. Risk indicators and risk level, according to the Adults at Risk policy (where relevant).

[D1914] meets the Adult at Risk policy as a level 2 risk. He has heart condition and this is being managed by medication. On 19 April 2017, he was assessed, by G4S Health as being both fit to be detained and fit to travel. Although he is a level 2 Adult at Risk, removal is considered possible within a reasonable timescale.

11. Previous applications for bail or temporary release.

For the attention of the section 4 team in the event of a s4 bail application accommodation level *1/2/3 is considered appropriate. For proposed level 2 and 3 cases further details to follow upon receipt of pro-forma from section 4 team.

On 19 April 2017, following his admission to hospital, but before his return next morning, his representatives submitted a TA request, on medical grounds. However the request was refused on 21 April 2017, following confirmation of his fitness to be detained.

On 29 May 2017 he made an application for IAC bail. Application withdrawn on day of hearing 06 June 2017.

On 08 June 2017 application for TA, but this was refused on 14 June 2017.

12. Action taken to progress case since last review (in bullet point format only).

- Completed bail summary
- Monitor for the lodging of any appeal and for any other activity that needs a response and react accordingly. JR application made 7 June 2017.
- Request made to JR Team to request expedition of JR consideration.
- Refused TA request.

13. Action plan for next review period (in bullet point format only).

- Monitor JR application
- Monitor for any other activity that needs a response and react accordingly.

- Request RDs to be re-set.

14. Recommendation (whether to maintain detention or release, supported by reasons). Including any other compassionate circumstances (including children issues and ties to the UK).

There is no evidence to suggest that [D1914] has family life in the UK. It is considered that even if he has family life here, they could not exert a sufficient influence to prevent him from committing criminal offences in the UK. It is considered that his family would not be in a position to prevent him, should he risk to abscond and should he risk to re-offend.

Sensitive/Irrelevant
<p>Sensitive/Irrelevant In the absence of evidence that there has been any improvement in [D1914]'s personal circumstances since his last conviction, or that he has successfully addressed the issues that prompts him to commit criminal offences, it is reasonable to conclude that there is a risk of [D1914] re-offending and poses a continuing risk of harm to the public, or a section of the public.</p>

[D1914] is a Romanian national and he can be removed to Romania with EU letter in the absence of a valid Passport or ID card. He has been served with a certified deportation decision and signed Deportation Order and removal directions were set for 28 May 2017, but he disrupted the removal. RDs were re-set for 12 June 2017, but were cancelled upon receipt of Court Order preventing removal before his application for JR was considered. On 13 June 2017 a request was made for JR to be expedited.

[D1914] has a heart condition and was rushed to hospital on 18 April 2017, with chest pains, but was discharged the next day and after examining his medical reports, was assessed as being both fit to be detained and fit to fly.

This case has been considered in line with Chapter 55 of the Enforcement Instructions and Guidance, with the presumption in favour of release, together with the Adults at Risk policy, but release is not considered appropriate at this time. Although he has a heart condition and as such is assessed as being a level 2 Adult at Risk, he has been assessed by the Healthcare Services, as being fit to be detained and fit to travel. Although removal has been halted due to application for JR it is considered that with the expedition of the JR and should the JR be refused, he can be removed within a reasonable timescale and as such detention remains both appropriate and proportionate in the interests of Public Policy. I recommend therefore that you authorise his continued detention for a further 28 days pending completion of the JR application and re-setting of RDs.

Authorising officer's comments, including response to recommendation

<h2 style="margin: 0;">Sensitive/Irrelevant</h2>
<p>has shown scant regard for the law and for authority across the European mainland. His presence in the UK is not deemed conducive to the public good taking into account the potential harm that he poses to UK society. Removal has already failed once due to his disruptive behaviour and he has now lodged a JR which is now a barrier to his removal. However, Litigation have requested that the claim is expedited. If this is allowed and the JR is refused, then removal remains a realistic prospect within a reasonable timescale. I am satisfied that detention is proportionate and complies with guidance laid down in Chapter 55 of the EIGs. The risks associated with his release outweigh the presumption to liberty and I authorise detention for a further 28 days.</p>

<p>Authorising officer's signature: <u>Signature</u></p> <p>Authorising officer's grade: SEO Operations, Team 8</p>	<p>Date: 16.06.17</p>
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☐ IS151F prepared

☐ IS151F email to: Brook House IRC on Inbox on 23/05/2017

Please include the summary from the last 3 Detention reviews (most recent listed first):

Date of last review: 23/05/2017

Reviewed by: Paul Benson

Agreed by: James Holton - AD

Whilst it is acknowledged that **D1914** is an Adult at Risk level 2 or potentially 3 given he was recently rushed to hospital from the IRC, he was deemed as fit to return to the IRC and fit to fly, therefore it is proportionate to maintain detention given that removal directions are set with medical escorts for 28 May 2017. Given his risks these outweigh consideration of release in order to protect the public from further offending and any risk of absconding to avoid deportation being enforced. Therefore, I approve detention for a further 28 days in order that deportation can be enforced.

Date of last review: 25/04/2017

Reviewed by: Paul Benson

Agreed by: N. Koris – A/SEO

Sensitive/Irrelevant

A stage 1 was sent for service today (28 March 2017).

On 11 April 2017 **D1914** was served with a deportation decision and deportation order. Although **D1914** falls under the adult at risk policy at level 2 his removal will be imminent as removal directions have been set for 28 May 2017.

There is currently no evidence that he has family ties in the UK and therefore he poses a risk to abscond.

The risks outweigh the presumption to liberty and I authorise detention for a further 28 days.

Date of last review:

Reviewed by:

Agreed by:

Case owner name and contact details

Paul Benson – CC CWK04 – Tel: **DPA**