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Our Ref C1346228

Your Ref 3020317/IMM/IP/ **D1914**

Case ID 019955058

Date 14 June 2017

**SENT BY FAX TO 0203 006 8999**

Dear Sirs

Re: **D1914/D4934** Romania

**DPA**

We refer to your letter dated 08 June 2017, regarding your above name client and your request for your clients release, following your application for a Judicial Review and Interim Injunction.

In your letter you state that “..the court has restrained you from removing our client till pendency of the Judicial Review application...”. However, as you are aware the Order stated that:-

- (1) I order that the removal of the Applicant from the United Kingdom be stayed pending the determination of his application for permission for judicial review.**
- (2) The Respondent is at liberty to apply to set aside this order on 24 hours’ notice to the Applicant.**

As can be seen the stay of removal is until permission is granted or refused, rather than the outcome of any possible Judicial Review (JR). I would advise you that the Home Office are looking to have consideration of the JR to be expedited and resolved as soon as possible. Obviously should the application be refused then removal directions can be re-set without delay.

**Sensitive/Irrelevant**

However, your client was discharged by the hospital on 19 April 2017 and has been returned to his room at the removal centre, where his health and medical needs will continue to be monitored and the appropriate care provided.

His medical condition has be reviewed, following his return from his recent hospital attendance, by the medical staff, at the centre and he has been declared, by them, as being fit to be detained.

Your client will continue to receive the appropriate medical attention whilst in detention, where the appropriate support is constantly on hand.

It is not considered, therefore that it is necessary to release him, at this time, or that there is anything to indicate that his chest pains were a direct result of his detention, rather than his medical condition.

**Sensitive/Irrelevant**

Your client has been served with a certified deportation decision and signed Deportation Order and with the lodging of an appeal being no barrier to removal, it is considered that his removal can be achieved within a reasonable timescale, should the permission to apply for a JR is refused.

Your client's detention will continually be reviewed routinely every 28 days, and if required at an earlier interval, if there are any substantial change to his circumstances either in terms of his health or immigration status. All reviews are authorised by a senior manager, with the progression of the case at the forefront to avoid unnecessary detention. Your client's detention has been considered in line with Chapter 55 of the Enforcement Instructions and Guidance and the presumption in favour of release, together with the Adults at Risk policy, but it is not considered appropriate at this time.

I appreciate that you may find my response disappointing, but you may be assured that the decision to maintain your client's detention will continue to be regularly reviewed by our senior managers within the Home Office, pending your removal.

On 29 May 2017 an application was made to IAC for bail and a hearing was set for 07 June 2017. However, your client withdrew the IAC bail application on the day, the reasons for which are unclear. You are of course welcome to re-apply to the Immigration and Asylum Chamber of the First Tier Tribunal for Adjudicator's bail if you so wish.

Yours faithfully,

**Signature**

Paul M. Benson  
CCD CWK04  
Immigration Enforcement