



Home Office

To:	<b>D2158</b>	Brook House IRC T3022525
cc:		
Fax number/ email address:	<b>DPA</b>	
From:	Matthew Goodwin	
Team/Location	Third Country Unit, 6 <sup>th</sup> Floor Lunar house	
Tel number:	<b>DPA</b>	
Date:	02 May 2017	
Pages:	3	

Dear **D2158**

I am writing to you to acknowledge receipt of a report dated 27/04/2017 provided by the medical practitioner at Brook House IRC Removal Centre notifying us of a special illness or condition. Information contained within the report has been considered carefully and the decision to detain you has been reviewed.

You have stated the following to the doctor at the detention centre:

You claim that you were tortured three years ago in Iran by the police. You were taken to a police station where you remained for three days.

You were tied to a chair and your arms were handcuffed behind the chair. A cloth soaked in oil was put in your mouth which affected your teeth badly.

You were beaten with a hose, your nail was broken and you were hit on the hand with a truncheon.

Further to your experiences in the police station you also told the doctor that while working in a bakery you were attacked by five people. Two customers noticed that you were wearing a cross and you were stabbed with a knife. You reported this to the Iranian police.

The medical practitioner has noted that you have small scars on the left side of your abdomen.

While you have stated that you have no history of mental health issues you say that you suffer from palpitations which suggests, according to the doctor, anxiety.

In their final assessment the doctor has noted that while you have visibly poor dentition you have no other scars or mental health issues which explicitly suggest torture. They noted that you do give an account of torture but there is little evidence physically or mentally to corroborate this but that you may be a victim of torture.

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 and also **EO & Ors.[2013] EWHC 1236 (Admin)**: Under the current policy the definition of torture is;

IS.335

*“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 on discrimination of any kind”*

Your account meets the 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 carefully considered when determining your suitability for detention under the ‘Adult at Risk’ policy.

### ***Immigration History***

02/09/2016 – You were encountered by Kent Police on the M2 between junctions 5 and 6. You were served with illegal entry (IS96ENF) papers, detained and later granted temporary release with reporting restrictions.

02/09/2016 - You lodged an application for asylum.

02/09/2016 - Eurodac search revealed a category 2 match with Greece on 27 December 2015 and a category 1 match with Germany on 6 January 2016.

02/09/2016 - Asylum Screening Interview undertaken.

01/11/2016 - Formal Request was made to Germany under Article 18.1(b) of the Dublin Regulation and the applicant was informed of Third Country action.

09/11/2016 - Acceptance received from Germany.

30/01/2017 – Your asylum claim in the UK was refused and certified on safe Third Country grounds.

10/04/2017 – You were detained off reporting at ICE West Midlands.

### ***Balancing risk factors against immigration control factors***

It is noted that you were encountered by police on the M2 motorway having entered the United Kingdom illegally. You did not enter with any documents with which to identify yourself. It is also noted that you have previously travelled through Germany, itself a safe country, yet you did not remain there. It is considered reasonable to assume that anyone seeking refuge would remain in the first safe country in which they arrive. You instead absconded from Germany in order to enter the UK illegally.

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.

Your asylum claim in the UK has been concluded under safe third country grounds and your removal to Germany can take place within three weeks.

### ***Conclusion***

Therefore when balancing the indicators of vulnerability against the negative immigration factors highlighted above and the imminence of 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.

Your detention will be reviewed at regular intervals and in the event detention is no longer appropriate your release will be duly arranged.

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

As a result, a decision has been taken to release you from detention. Arrangements are being made for your release which will be communicated to you separately.

As a result, a decision has been taken to maintain your detention. The reasons for this are insert reasons.

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

Yours sincerely,

Matthew Goodwin  
TCU - Conclusions Team