

DETENTION REVIEW

Name:	D801	HO Ref:	K1352721/005
Partner/spouse:			
Dependent Minors:			
Nationality:	Sri Lanka	Port Ref:	ASC/4064422
D.O.B.	DPA	DC Ref:	-
Removal Centre:	Brook House IRC	Date of last enforcement notice:	15/12/16 – RED.0004 fresh - Admin Removal: Overstay
Date of initial detention:	01 March 2017 at 08.47 am	Next review due/type	28 day review due on 29/03/17
Legal basis of detention: para 16 (2) of sch. 2 to 1971 Act			

Detention Review Period and Authorisation

14 Day Review	Carried out by	Grade	Authorised by	Grade
14 day	Vipalas Patel	AO	Signature	SEP

1. Brief summary of case. Detention review completed without file, currently with NRC Croydon Barrier Casework Team.

On 09/01/09 – Subject entered the United Kingdom as a student with Entry Clearance from 09/12/08 until 31/01/10.

On 28/01/10 – Subject submitted a T4 General Student Leave to Remain which was granted on 04/10 until 16/04/12.

On 22/05/12 – Subject attended AIU and claimed Asylum. Served IS.151A and released on reporting.

On 19/06/12 – Subject's Asylum claim refused Non Certified.

On 06/07/12 – Subject lodged an appeal which was heard on 03/08/12 and dismissed on the 15/08/12 at First Tier Hearing.

On 05/09/12 – Subject's permission to application to First Tier was refused and became appeal rights exhausted on 20/09/12.

On 09/04/15 – Subject was encountered during a routine traffic stop. Detained and served updated RED0001), RED0003.

On 14/04/15 – Subject served removal directions for 18/04/15.

On 15/04/15 – Subject submitted further representation which was concluded on the 17/04/15.

On 17/04/15 – Subject lodged a Judicial Review. Removal directions for 18/04/15 were cancelled.

On 20/05/15 – Subject released on bail.

On 03/06/15 – Subject's JR permission hearing (Papers) to proceed refused with finding of no merit/renewal no bar.

On 27/07/15 – Subject JR permission hearing (Oral) to proceed refused.

On 22/12/15 – Subject submitted further submissions. This was refused on 25/07/16 no right of appeal.

On 15/12/16 – Subject served with RED.0004 fresh via recorded delivery.

On 01/03/17 – Subject encountered at DPA served IS86, IS91 and IS91R by Immigration.

On 14/03/17 – Subject served RED.0004 fresh.

2. Travel documentation status.

Subject is removable on his valid passport, expiry date 14/02/18, currently with Removals Desk.

3. Current barriers to removal (excluding documentation).

Subject has appointment at FRU with Further Submissions Unit on 30/03/2017 - 12:00hrs, however it is possible that this can be expedited in detention given his failure to attend the same appointment recently and other reporting. Letter sent to subjects solicitors on 06/03/2017.

On 10/03/17 – File handed to NRC Croydon Barrier Casework Team for consideration of subjects HR claim.

On 14/03/17 – 117 page fax received from subjects solicitors Maliks & Khan, handed to NRC Croydon Barrier Casework Team.

Timescale for barrier to be resolved is 2 weeks.

4. Actions taken to progress case since preceding review/progress against action plan from previous review.

On 08/03/17 – Fax sent to Malik & Khan solicitors, requesting them to send statement of additional ground to us in 24 hrs.

On 10/03/17 – File handed to NRC Croydon Barrier Casework Team for consideration of subjects HR claim.

On 14/03/17 – 117 page fax received from subjects solicitors Maliks & Khan, handed to NRC Croydon Barrier Casework Team.

On 14/03/17 – Subject served RED.0004 fresh.

5. Assessment of removability.

Medium. Subject is removable on his valid passport. However subjects solicitors have submitted a HR application. Timescale for removability 2 – 3 weeks.

6. Previous immigration compliance and non compliance.

Medium. Subject is an overstayer with no basis of stay in the UK. Subject was requested to report at CEU on 04/01/17, however he did not report. Officers from CEU attended the target address. Search of the subject were he was recently encountered.

7. Assessment of risk of harm to the public.

Low. Harm B: Immigration offender, Seeking or obtaining leave to remain by deception. Trace PNC: Non-partial overstaying leave (2015), sexual assault x 2 (2010) no convictions. Subject's risk of harm to the public is Low.

8. Known or claimed medical conditions (including mental health and/or self-harm issues and any reference to a Rule 35 report)

Subject claims to be suffering from [Sensitive/Irrelevant]. Referring officer says that the subject initially told them that he takes [Sensitive/Irrelevant] as and when required. He has not taken any medication recently and doesn't have any. But he is now claiming to have last taking the medication yesterday and to have lots of that medication at his home.

On 01/03/17 – ACDT open: Part C received at Brook House, hourly OBS, open due to risk to him self.

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

AAR Level 2 : There are no exceptional circumstances, no risk indicators and risk level that render the subject unsuitable for detention. The medication he claims to take, which appears to be backed up by the NHS letter, is a common medication we see for [Sensitive/Irrelevant]. It is likely that this medication can be provided in detention.

10. Any other compassionate circumstances (including children issues and ties to the UK)

Subject has no known ties in the UK

11. Any other information relevant to the detention decision (for example, change in detainee's circumstances, whether this is a pregnant woman or a family for which Ministerial authority has been requested or granted to extend detention beyond 72 hours,).

Subject has no other information relevant to the detention decision.

12. Previous applications for bail or temporary release.

On 02/03/17 – TA request received and refusal letter sent to solicitors on 07/03/17.

13. Action plan for next review period (including any outstanding actions from preceding detention review).

Monitor subjects detention, check progress of his further reps. Dairy event made for 22/03/17.

14. Recommendation (whether to maintain detention or release, supported by reasons).

Subject is an overstayer with no basis of stay in the UK. Subject was requested to report at CEU on 04/01/17, however he did not report. Officers from CEU attended the target address in search of the subject where he was recently encountered. Subject has not had leave for several years and has continuously tried to block any removal action by lodging futile applications which have all been refused. The subject risk of absconding is considered to be medium. He is removable on his valid passport. Therefore, detention remains appropriate to effect his lawful removal from the UK, pending consideration of his HR application.

Reviewing officer's signature: V. Patel

Date: 15/03/17

Authorising officer's comments, including response to recommendation

Agreed. Further reps to be considered promptly.

Authorising officer's signature:

Signature

Date: 15/3/17



IS.151F prepared



IS.151F faxed to: Name on: fax number on: date

DETENTION REVIEW

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Dependent Minors:			
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Removal Centre:	Brook House IRC	Date of last enforcement notice:	15/12/16 - RED.0004 fresh - Admin Removal: Overstayer
Date of initial detention:	01 March 2017 at 08.47 am	Next review due/type	14 day review due on 15/03/17
Legal basis of detention: para 16 (2) of sch. 2 to 1971 Act			

Detention Review Period and Authorisation

7 Day Review	Carried out by	Grade	Authorised by	Grade
7 (- 1 day)	Vipalas Patel	AO	Signature	H2EO

1. Brief summary of case.

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On 28/01/10 – Subject submitted a T4 General Student Leave to Remain which was granted on 08/04/10 until 16/04/12.
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Subject has appointment at FRU with Further Submissions Unit on 30/03/2017 - 12:00hrs, however it is possible that this can be expedited in detention given his failure to attend the same appointment recently and other reporting. Letter sent to subjects solicitors on 06/03/2017.

4. Actions taken to progress case since preceding review/progress against action plan from previous review.

On 03/03/17 – PNC sent as requested to Brook House IRC.

On 07/03/17 – TA refusal letter faxed to solicitors.

5. Assessment of removability.

Medium. Subject is removable on his valid passport. However subjects solicitors have been sent an appointment letter to attend Further Submissions Unit on 30/03/2017.

6. Previous immigration compliance and non compliance.

Medium. Subject is an overstayer with no basis of stay in the UK. Subject was requested to report at CEU on 04/01/17, however he did not report. Officers from CEU attended the target address in search of the subject were he was recently encountered.

7. Assessment of risk of harm to the public.

Low. Harm B: Immigration offender, Seeking or obtaining leave to remain by deception. Trace PNC: Non-partial overstaying leave (2015), sexual assault x 2 (2010) - non-convictions. Subject's risk of harm to the public is Low.

8. Known or claimed medical conditions (including mental health and/or self-harm issues and any reference to a Rule 35 report)

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The medication he claims to take, which appears to be backed up by the NHS letter, is a common medication we see for [Sensitive/irrelevant]. It is likely that this medication can be provided in detention.

10. Any other compassionate circumstances (including children issues and ties to the UK)

Subject has no known ties in the UK.

11. Any other information relevant to the detention decision (for example, change in detainee's circumstances, whether this is a pregnant woman or a family for which Ministerial authority has been requested or granted to extend detention beyond 72 hours,).

Subject has no other information relevant to the detention decision.

12. Previous applications for bail or temporary release.

On 02/03/17 – TA request received and refusal letter sent to solicitors on 07/03/17.

13. Action plan for next review period (including any outstanding actions from preceding detention review).

Monitor subjects detention, check if subjects solicitors have attended their appointment or submitted further reps. Dairy event made for 08/03/17.

14. Recommendation (whether to maintain detention or release, supported by reasons).

Subject is an overstayer with no basis of stay in the UK. Subject was requested to report at CEU on 04/01/17, however he did not report. Officers from CEU attended the target address in search of the subject were he was recently encountered. Subject has not had leave for several years and has continuously tried to block any removal action by lodging futile applications which have all been refused. The subject risk of absconding is considered to be medium. He is removable on his valid passport. Therefore, detention remains appropriate to effect his lawful removal from the UK.

Reviewing officer's signature: V. Patel

Date: 07/03/17

Authorising officer's comments, including response to recommendation

AAR10012 - Subject takes	Sensitive/Irrelevant	as and when
needed. ACR was opened on 1/3/17 but since no concerns raised. Subject has no outstanding business at present & the appointment letter is not a business. Reps to be informed to submit rep directly to us otherwise RDS will be set. Detention to be maintained		

Authorising officer's signature:	Signature	Date: 7/3/2016
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IS.151F prepared



IS.151F faxed to: Name on: fax number on: date