

The applicant has a criminal history which includes serious offences and he was last sentenced, in March 2014, to three years imprisonment for robbery. He claims to be a changed man but there was no evidence to support his claim from the prison or probation service. There is a risk that the applicant would commit further offences if released on bail.

The respondent states that the applicant is a priority on the Somalia return list and that the applicant can be removed on an EU letter. Enforced returns will commence after elections in Somalia on 24 February 2017. Whilst no date has been set I find that the applicant can be removed within a reasonable period and that his continued detention is proportionate having regard to the risk of reoffending and absconding in this case.

The applicant is aware that the respondent is taking purposeful steps to remove him. He is appeal rights exhausted and there is no bar to his removal. He does not wish to return to Somalia and there is no incentive for him to remain in contact with the respondent and co-operate with arrangements for his removal. He has previously been convicted of failing to surrender and failing to comply with the requirements of a community order in criminal proceedings which demonstrates a failure to comply and disregard for the law.

Although the applicant has resided in the United Kingdom since 1994 he is unable to offer anyone who has known him for a significant period and is prepared to demonstrate trust in him by standing as a surety. His mother is offering a bail address but, for financial reasons is unable to stand as surety. His only surety has known the applicant for a few weeks as a member of the Gatwick Detainee Welfare Group. I am not satisfied that her standing as surety is sufficient to address the risk of absconding and reoffending in this case. Bail is refused.

Signature

14/2/17.

DPA