



To:	<b>D1538</b> Harmondsworth IRC – 10596334 - H1255090
cc:	Harmondsworth IRC Contact Team and Healthcare
From:	E Rozario
Team/Location	Harmondsworth DAC Team
Tel number:	<b>DPA</b>
Date:	25 July 2017
Pages:	3

Dear **D1538**

I am writing to you to acknowledge receipt of a report dated 24/07/2017 provided by the medical practitioner at Harmondsworth 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.

Careful note has been taken of your account which has been outlined in the Rule 35 report. You state you were tortured in Morocco.

You told the doctor that you were attacked in 2007-2009 on many occasions in Larachi, Morocco. You were attacked by many people including your own family who found out that you were homosexual. You were cut with knives and also beaten with hammers.

You did not go to a main hospital but self referred to local clinics for treatment. You did not go to the police. You decided to flee Morocco in 2011-12 in fear of your life.

The body map in this report indicates:

1. Incision scars on forearms and lower back.
2. Laceration scars on top of head and forehead.

The doctor's report further states "On examination he has scars which may be due to the history given".

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. For the purposes of this Rule 35 report, the following definition, given in the case of **EO & Ors. [2013] EWHC 1236 (Admin)**, has been applied:

*"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 upon discrimination of any kind."*

IS.335

In relation to your claim of ill-treatment, your account does meet the above definition of torture. Accordingly, you are regarded an Adult at Risk under the policy, at level two. Your detention has been reviewed and the report carefully considered when determining your suitability for detention under the 'Adult at Risk' policy.

Immigration factors

- 02/03/2014 – You were encountered in the UK as an illegal entrant and served with an IS.151A. You were released and placed on reporting restrictions
- 18/03/2014 – You claimed asylum in the UK. You were a EURODAC hit in Denmark. You were detained, served with an IS.91R and referred to TCU
- 22/03/2014 – Formal Request made to Denmark under article 18.1(b) of the Dublin III regulation
- 22/04/2014 – Denmark accepted responsibility
- 23/04/2014 – Asylum refused and certified under Third Country grounds
- 06/06/2014 – Removed back to Denmark.
- 30/10/2014 – You arrived back in the United Kingdom clandestinely for a second time in the back of a lorry from Zebrugge Belgium. You did not claim asylum.
- 05/11/2014 – Case referred to Third Country Unit
- 18/11/2014 – Formal request made to the Danish authorities to accept responsibility.
- 11/12/2014 – You had a bail hearing – Bail granted with reporting restrictions.
- 02/01/2015 – Denmark accepted responsibility.
- 17/06/2015 – You were circulated as an absconder as you did not conform to bail conditions.
- 25/03/2016 – You were encountered after being arrested by the police. You were detained and served with an IS.91R
- 28/04/2016 – You were released and placed on reporting restrictions
- 14/03/2017 – You were encountered during an Enforcement Visit by Kent & Sussex ICE at 28 Hampshire Road, Canterbury, Kent, CT1 1SJ. You were cautioned, questioned and served with a RED.0001, RED.0003 and an IS.91R. You were released on reporting due to the allocation timescales of your asylum claim.
- 02/06/2017 – You were detained at Maidstone Police Station and served with an IS.91R
- 08/06/2017 – You claimed asylum.
- 29/06/2017 – You were interviewed by Moroccan officials.
- 11/07/2017 – Detained Asylum Casework (DAC) accepted case.
- 17/07/2017 – Screening interview completed
- 18/07/2017 – DAC induction interview completed.
- 24/07/2017 – Asylum interview booked for 28/07/2017.

24/07/2017 – Rule 35 received.

Balancing risk factors against immigration control factors

Your immigration history clearly shows that you cannot be relied upon to comply with any immigration conditions. You are an illegal entrant (twice) who has absconded. You made a late opportunistic claim for asylum after you had been detained. You have been disruptive and failed to comply with Immigration Rules. You therefore present as a substantive risk for absconding.

It is noted that your substantive asylum interview has been scheduled to take place on 28/07/2017. This will be followed by the decision on your claim. Should your claim be certified, the decision will not accrue any statutory in-country Right of Appeal and given that you have no other legal basis to remain, your removal could be effected shortly thereafter. Should you be refused asylum and afforded in-country Right of Appeal, you would fall under the DIA expedited timescales and therefore your case would likely conclude in around 10 - 14 weeks. Should you be granted asylum at any stage you would of course be released.

You have no close ties in the UK to ensure your compliance with any conditions of release. Given the clear evidence of non compliance with the immigration rules, it is considered that you are highly unlikely to be removable unless detained because it is considered that you cannot be relied upon to comply with any reporting conditions, especially those relating to your removal.

Whilst it is noted that you have stated that you have encountered physical torture, Healthcare have not raised any concerns at this time that you may be unfit for detention. You are removable on an Emergency Travel Document and removal can be expected between 6 and 8 weeks if your application for asylum is unsuccessful.

Conclusion

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.

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

Yours sincerely,

E Rozario  
DAC - Eaton House