



Immigration detainees in prison

If your sentence is finished and you are being kept in prison by the immigration authorities, you are now a **detainee**. You have more rights and privileges than when you were serving your criminal sentence.

We do not list all of your rights here. We have listed the most important.

This leaflet has been written by the **Detention Advice Service** and the **Prison Reform Trust**. More information about both organisations, including their contact details, can be found at the end of this leaflet.

Introduction

Everyone who is kept in prison under immigration powers must be told the reasons why. These are written on the **IS91R** form. If you are detained after your sentence you should be given this form by the immigration services. You should also get a monthly update form (called the **IS151F** form) from the immigration service.

If you do not have these, you should contact your caseworker at the immigration services, if you know who this is, or the foreign national coordinator in the prison.

If you need further assistance, and/or if you have questions about your situation, you can contact the **Detention Advice Service (DAS)**. They are a charity that provides independent immigration advice to foreign national prisoners. DAS' contact details can be found at the end of this leaflet.

Right to be treated as an unconvicted (remand) prisoner

If you are a detainee, you have the same rights as an unconvicted – also known as remand – prisoner. This means that you have a number of special rights and privileges, which we explain a bit later on. The prison can change these privileges if there are security or important reasons.

Unconvicted prisoners are held in local prisons. This does not mean that you will be transferred to a local prison automatically. If you are in another type of prison, you might want to stay there.

PSI 52/2011 also says that if you agree to be in a prison with convicted prisoners, the prison must try to make sure that you have the special rights and privileges for unconvicted prisoners.

Prison Service Instruction (PSI) 52/2011 explains that it is for the Governor of the prison to decide whether or not someone can stay in convicted conditions after they have finished their sentence.

If you are going to stay in a prison that is not a remand prison, the prison must write down that you agree to this. The prison will explain to you that you will be in a prison with convicted prisoners and ask you to sign a form.

Special rights and privileges for unconvicted prisoners

There is more information about this in **Prison Service Order (PSO) 4600**. The special privileges include:

- You don't have to work. But if you do want to do work or training, there should be opportunities for you to do this, if possible.
- You should also have opportunities for education, exercise and association.
- If you choose not to work, you should be able to have a minimum of one hour in the open air a day if the weather is ok and there are no problems in the prison.
- You should not have to share a cell with a sentenced prisoner. If there is a situation where the prison asks you to do this, they must get your consent.

You can also:

- Pay for your own books, newspapers, writing materials
- Keep activities and hobbies in your cell that your friends or family have handed in for you
- Carry out legal business activities
- Wear your own clothing as long as they are ok to wear in prison and are clean and tidy
- Take part in the Incentives and Earned Privileges scheme. You should start at standard level
- Send and receive as many letters as you want to. This includes two free letters.
- Keep more tobacco and cigarettes in your cell and have this sent in by friends and family
- Have more visits, usually three a week.

Temporary Admission/Temporary Release

The immigration service can release you from prison while they look at your immigration case. This is called Temporary Admission or Temporary Release. You can write to your immigration service caseworker. They should write to you and let you know if you can be released. If they say no, you can apply for another way of being released (see below).

Applying for immigration bail

Bail is a way of being released from immigration detention. Anyone detained under immigration powers has the right to apply for bail if they have been in the UK for at least seven days.

You can apply for bail from the day that your prison sentence finishes.

You can apply to either:

- a Chief Immigration Officer or
- the Immigration and Asylum Chamber

Chief Immigration Officer Bail

You can apply in writing to the Chief Immigration Officer (CIO). You might have to find people who can be sureties. Sureties are friends or family who agree to pay money if you are released on bail and do not turn up at court when you are told to. The CIO will write to you about your request for bail. It is not easy to get CIO bail.

Immigration and Asylum Chamber bail

If you apply to the Immigration and Asylum Chamber, an immigration judge will look at your bail application. This is called a bail hearing.

If your application is successful, you will be released from detention. You will be given conditions (a list of rules that you must follow) so that you can stay in the community.

- If you have an immigration solicitor, you should speak to them about applying for bail.
- If you do not have a solicitor, you can contact **Bail for Immigration Detainees (BID)**, a charity that provides free information and telephone support to detainees to help them make their own immigration bail applications. BID's contact details can be found at the end of this leaflet.

Transfer to an immigration removal centre

You do not have a right to be transferred to an Immigration Removal Centre (IRC) when your sentence finishes. At the moment, people who have finished their sentence are **not** being moved to Immigration Removal Centres.

Useful contact details

Detention Advice Service (DAS)

DAS provides free, independent and confidential immigration advice to foreign nationals in prison in England and Wales. You call DAS on 0207 254 6888; the office is open Monday-Friday, 9.30am-5.30pm. You can also write to them:

Detention Advice Service
Unit B3, 62 Beechwood Road
London E8 3DY

Prison Reform Trust

The Prison Reform Trust operates a freephone information line for prisoners in England and Wales. The number for the information line is 0808 802 0060. It is open Monday – 3.30-7.30pm, Tuesday and Thursday – 3.30-5.30pm. You can also call on 020 7251 5070. This is not a free number.

You can also write to them:

Prison Reform Trust
Freepost ND6125
London EC1B 1PN

Bail for Immigration Detainees (BID)

BID provides free information and telephone support to detainees to help them make their own immigration bail applications. You can call BID on 020 7247 3590. You can also write to them:

Bail for Immigration Detainees
28 Commercial Street
London E1 6LS

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