



June 2009

English

Video link bail hearings

This leaflet is for people held in the UK under immigration powers in detention centres and prisons. You should read this leaflet if you have a bail hearing as it may be conducted by video link rather than in court. This leaflet may also be useful for individuals and organisations supporting migrants and asylum seekers in detention.

This leaflet describes:

- The meaning of a video link hearing and how the hearing will be run
- What you can do if you want a bail hearing in court
- How you can find more information about video link bail hearings
- What to do if your bail application is refused and how to complain about your bail hearing

Important terms:

A bail hearing is where a judge decides whether you should be released or kept in detention. A surety is someone who promises money to the judge to show that if you are released on bail they will make sure you stay in contact with the court and the immigration authorities.

What is a video link bail hearing?

It is a bail hearing where you stay at the detention centre and the immigration judge and the Home Office representative are in court. You will be connected to the court by a video camera. The purpose of the hearing is for the court to decide if you can be released from detention on bail. If you have a legal representative, an interpreter or any sureties they will also be in court.

What will I be able to see and hear?

You will be seated in a room with a television screen. On the screen you should be able to see and hear the judge, the Home Office representative, and (if you have one) your legal representative, interpreter and sureties. Before the hearing starts, the judge or the court official should ask 'Can you see and hear everything in the court on the television screen?' If you cannot, you should ask them to stop the hearing until you can.

How will I know when my bail hearing is going to start?

The letter you receive telling you the date of your bail hearing (called your 'Notice of Hearing') will also tell you the time the hearing will start. However, because three cases are scheduled for 10am

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Other leaflets are available at <http://languages.refugeecouncil.org.uk> and www.biduk.org

and three for 2pm, the actual time your hearing starts might be a bit later. Staff at the detention centre will call you when it is time for your hearing.

Will I be able to talk with my legal representative?

If you have a legal representative, he/she will go to court 30 minutes before your 'Notice of Hearing' letter says your bail hearing will start. You will have ten minutes to talk with your legal representative before the hearing begins. During this time, the judge and the Home Office representative will not be in the court with your legal representative.

Will I have an interpreter and what will they do?

Your bail hearing will be conducted in English. If you need an interpreter you should request one using the Bail Application Form (also called a B1 form). During your bail hearing your interpreter will be at the court and will speak to you using the video link. Your interpreter should tell you everything that is said in the court room and not just the questions that people ask you directly. If this does not happen you should tell your legal representative or the judge.

How long will the bail hearing last?

It will last as long as the judge needs to decide whether to grant or refuse you bail. You should be able to see the whole of the hearing by video link. The video link should not be stopped if the hearing in court has not finished. If this happens, you can complain – see the information on complaints below.

How will I know where to tell my sureties to go?

The 'Notice of Hearing' letter will give the name and address of the court. For example, Campsfield House is connected to the court in Newport which is in Wales. You should ask at the detention centre office if you do not know which court your detention centre is connected to. If it is too far for your sureties to go to that court, you can ask for another court on your Bail Application Form. Speak to Bail for Immigration Detainees (BID) if you have questions about this – telephone numbers are at the end of this document.

What documents will be used during the hearing?

Before the hearing you should receive your 'Notice of Hearing' letter from the court (which tells you the date and time of the hearing and name and address of the court) as well as a 'Bail Summary' from the Home Office which gives the Home Office's reasons why you should be detained. If you have a legal representative, she/he should give the Home Office and the judge any documents they will be using at the hearing. If you do not have a legal representative and you have documents you want the judge and the Home Office to see, you should fax them before the hearing. Speak to BID if you have questions about this.

I want to be in court for my bail hearing, what can I do?

If you do not want a video link bail hearing and you want to be in court in person, you will need to explain why on your Bail Application Form. You will need to give reasons why your circumstances mean you have to be in court. For example, you might have had a particular experience or have a medical condition which means that a video link is not suitable for you. The court will decide whether your hearing will be in court or by video link. Speak to BID if you have questions about this.

How will I find out if I have been granted bail?

The judge will tell you whether you have been granted bail or refused bail. If the judge has not told you by the end of the hearing you can ask them to tell you. The court will also fax a letter to you at the detention centre giving you the judge's decision in writing. If you have been granted bail you will have to sign a form and you will be given a 'travel warrant' to pay for you to travel to your bail address.

What should I do if my bail application is refused?

You should talk about this with your legal representative if you have one. If you do not have a legal representative then you can speak to BID if you have questions about this.

How do I make a complaint about my bail hearing?

If you want to complain about the way your bail hearing was conducted you should contact the manager at the court where your bail hearing was heard. The court address will be on the letters you receive about your bail hearing. If you want to complain about the judge you should write to the senior judge at the court where your bail hearing was heard. You could ask your Member of Parliament (MP) to complain on your behalf or you can speak to BID for further information about making a complaint.

Is there any other information about video link bail hearings?

Yes. The court, also known as the Asylum and Immigration Tribunal (AIT), has produced a document called 'Applicant Guidance Notes to Bail Hearings by Video Link'. You should receive it with your 'Notice of Hearing' letter. There should also be a copy of this document in the library at the detention centre.

Who are BID and the Refugee Council and why have they written this leaflet?

This leaflet has been written by Bail for Immigration Detainees (BID) and the Refugee Council. BID and the Refugee Council are independent charities and are not part of the Home Office. BID works with asylum seekers and migrants in detention centres and prisons to help them get out of detention. The Refugee Council provides help and advice to asylum seekers at different stages of the asylum process. This includes advising asylum seekers who are in detention and following their release. The Refugee Council can also refer you to other organisations, including BID if appropriate.

Who can I contact for more information?

If you are detained in Campsfield House or Lindholme, you can contact BID's office in Oxford, by telephoning 0845 330 4536 or faxing 0845 330 4537.

If you are detained in Colnbrook, Dover or Haslar, you can contact BID's office in Portsmouth, by telephoning 023 9281 6633 or faxing 023 9282 1529.

If you are detained in any of the other detention centres, you can contact BID's office in London, by telephoning 020 7247 3590 or faxing 020 7247 3550.

If you are detained in any other detention centres, you can also contact the Refugee Council's office by telephoning the advice line on 020 7346 6777.