



# Home Office

Rt Hon Caroline Nokes MP  
Minister of State for Immigration

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*Dear Mr Raw*

Thank you for your letter of 1 May to the Home Secretary about immigration detention. I am replying as the Minister of State for Immigration. I am very sorry for the delay in my response.

The Government is committed to delivering a system which encourages and supports migrants to comply with our immigration rules. This includes encouraging and supporting people who do not have the right to be in the UK to leave voluntarily. The Home Office's Voluntary Returns Service provides support to individuals and families with no lawful basis to remain in the UK to return to their home country. This service can include financial assistance of up to £2,000 to help with accommodation, a job or starting a business in an individual's home country.

We believe that detention does have a role to play in the immigration system, but the Government's starting point is that it is only for those whom we are confident that other approaches to removal will not work.

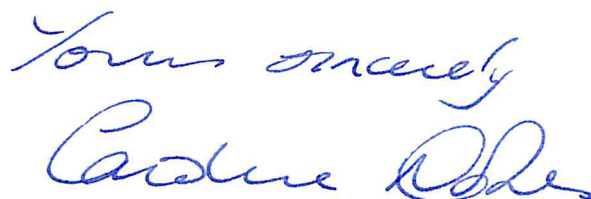
The Home Secretary made a statement to Parliament on 24 July about immigration detention and the publication of the follow-up review of welfare in detention of vulnerable persons, undertaken by Stephen Shaw. In that statement, the Home Secretary announced that he has asked officials to do more to explore alternatives to detention with faith groups, NGOs and within communities. The Home Secretary also announced an intention to pilot a scheme to manage a number of vulnerable women, who would otherwise be detained at Yarl's Wood, in the community.

The law does not allow anyone to be detained indefinitely. Any decision to detain, or maintain detention of an individual, requires there to be a realistic prospect of the person's removal from the UK within a reasonable period of time. Nevertheless, the Government is aware of the arguments that are made in respect of a time limit on immigration detention. However, as Stephen Shaw stated in his recent review, the debate on time limits currently rests more on slogans than on evidence. That is why, in order to support a properly informed debate on this issue, the Home Secretary announced that he has asked officials to review how time limits work in other countries and how they relate to other protections within their detention systems.

Current published policy in the UK already requires that detention is only used sparingly and for the shortest period necessary. Regular reviews of an individual's detention are undertaken to ensure that it remains lawful.

Individuals are able to challenge the lawfulness of their detention through the courts using the processes of judicial review and habeas corpus. Individuals can also apply to Immigration Judges at any time for release on immigration bail. Furthermore, under Schedule 10 to the Immigration Act 2016, eligible individuals are referred automatically to the First-tier Tribunal for consideration of bail after four months in detention and thereafter at four monthly intervals. This ensures judicial oversight for those who do not apply for bail themselves for whatever reason. The Home Secretary has also announced plans to pilot an additional automatic referral to the Tribunal for consideration of bail at the two-month point.

Stephen Shaw's most recent review recognised that progress has been made in reforming immigration detention since his earlier review, whilst identifying areas where we could and should do better. That is why we have announced an ambitious programme of work in response to Mr Shaw's report to improve the welfare of vulnerable detainees and dignity within IRCs, increase transparency and develop more alternatives to detention.

A handwritten signature in blue ink, reading "Yours sincerely Caroline Nokes".

**Rt Hon Caroline Nokes MP**  
**Minister of State for Immigration**