

UKVI Complaints Allocation Hub  
Long Corridor 11<sup>th</sup> floor  
Home Office  
Lunar House  
Croydon  
Surrey CR9 2 BY

[complaints@homeoffice.gsi.gov.uk](mailto:complaints@homeoffice.gsi.gov.uk)

15<sup>th</sup> May 2014

CMS reference: 131-53025  
HO reference: [REDACTED]  
BID reference: 945/13

Dear Sirs

**Request for review of response to complaint: your ref 131-53025 dated 28 April 2014**

On 3<sup>rd</sup> April BID made a service complaint to the Home Office about the delay in handling the application of our detained client, **[REDACTED]**, for Section 4 (1)(c) bail accommodation. You responded to our complaint on 28<sup>th</sup> April.

We do not consider that you have responded to this complaint in a satisfactory manner and request a review of your handling of the complaint.

The basis of this complaint was that at the time of writing **[REDACTED]** who is being held in immigration detention, had been waiting for over 45 days for the Home Office to secure a Standard Dispersal bail address from a COMPASS accommodation contractor. This waiting time is in addition to the time spent waiting time for earlier elements of the Section 4 bail accommodation application process to be completed.

The Home Office requirement of accommodation contractors is that a dispersal address is produced within 9 working days of the request for such accommodation (see attached complaint letter for details). **[REDACTED]** is, incidentally, still waiting for an address. In addition, both Home Office policy and the courts require that applicants for Section 4 (1)(c) bail accommodation, where they are deemed to be unsuitable for Initial Accommodation, must be provided with the reasons relied on by the Home Office to make such an evaluation, either in the form of a NOMS1 form or absent that the explanation provided to

the Section 4 bail team by the Home Office caseowner. Mr. [REDACTED] has not been provided with either.

In the complaint we sought

- A. Confirmation that a dispersal address had been sought by this point.
- B. Provision of the reasons for the Home Office decision that Mr. [REDACTED] was not suitable for Initial Accommodation.

In your reply of 28<sup>th</sup> April to our complaint:

- i) You provide lengthy extracts from our client's immigration history.

**It is not clear what relevance this has to your adequate handling of this complaint.**

- ii) In response to the element of our complaint relating to Home Office failure to source a bail address in a timely fashion and in line with your contractor requirements, you acknowledge that you requested accommodation from a COMPASS provider on 25<sup>th</sup> February (2 months earlier) but simply respond "*we are currently waiting for accommodation to be offered by our provider and we are chasing this with them at this time*".

**You have offered no adequate explanation for the delay, but have simply stated that there is a delay.**

- iii) You seem to confuse the element in our complaint about Home Office failure to provide reasons to our client for deeming him unsuitable for Initial Accommodation (as required by your own policy) with circumstances in which an address was provided and it being deemed unsuitable when you state "*we have no record of an address being offered, or of it being deemed unsuitable*". Earlier in your response you state "*You say that the initial accommodation he was offered was turned down for being unsuitable, but no reasons were given for this*". No address has ever been provided to our client, and this is the substance of our complaint.

**You have not answered point 2 in our complaint of 3<sup>rd</sup> April 2014 about Home Office failure to provide reasons for deeming Mr. [REDACTED] (please note NOT any accommodation provided for him) unsuitable for Section 4 Initial Accommodation.**

We therefore request that you review the initial response you have given to this complaint and

- A. Provide us with an adequate explanation for the delay in providing a Section 4 (1)(c) bail address to date, and an indication of when an address will be provided for Mr [REDACTED], not simply a statement acknowledging the delay.
- B. Provide us with the reasons relied on by the Home Office Section 4 bail team for deeming our client Mr [REDACTED] (NOT any accommodation offered to him, none has yet been offered) unsuitable for Initial Accommodation, as required by your own guidance and by the courts.

We look forward to receiving your review of your response to our complaint within 20 working days of the date of this letter.

Yours



Silke Schroder  
Legal Manager  
BiD

**Enclosed/attached**  
Copy of signed letter of authority

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15<sup>th</sup> May 2014

CMS reference: 131-53485  
HO reference: [REDACTED]  
BID reference: 882/13

Dear Sirs

**Request for review of response to complaint: your ref 131-53485 dated 1<sup>st</sup> May 2014**

On 14th April BID made a service complaint to the Home Office about the delay in handling the application of our detained client, [REDACTED], for Section 4 (1)(c) bail accommodation. You responded to our complaint on 1<sup>st</sup> May 2014.

We do not consider that you have responded to this complaint in a satisfactory manner and request a review of your handling of the complaint.

The basis of this complaint was that at the time of writing [REDACTED], who is being held in immigration detention, had been waiting for over 9 months for the Home Office to conclude an application for Section 4 (1)(c) bail accommodation. One month later [REDACTED] is still waiting for his Section 4 (1)(c) application to conclude.

[REDACTED]'s NOMS release licence expired on the 2<sup>nd</sup> February 2014. We wrote to the Home Office Criminal Casework caseowner, and on 28<sup>th</sup> April 2014 we received written confirmation from the Criminal Casework caseowner of the expiry of [REDACTED]'s NOMS release licence which we then forwarded to the Home Office Section 4 bail team.

In our complaint letter of 1<sup>st</sup> May 2014 we sought an immediate grant of the Section 4 bail address that has been identified by the Home Office for [REDACTED], and which was at the

time of writing being proposed by the Home Office for a further licence-related address check by the relevant probation authorities.

In your reply of 1<sup>st</sup> May 2014 to our complaint you wrote:

*"It is noted that Mr [REDACTED] is no longer on licence and he has not been since 2 February 2014. However, as his application for bail accommodation was made while he was on licence, any proposed address would require approval from Probation Services for this particular application. If Mr [REDACTED] wished for his application to be considered on the basis that he is no longer on licence, it would be open to him to make a further application at this time"*

The information provided in this response is simply incorrect in the light of current Home Office and NOMS policies, and it is this which prompts our request for a review of your response to our complaint.

- i) **In relation to your suggestion that licence-related probation approval of a Section 4 address is still required even after the NOMS release licence has expired, so long as the application for Section 4 (1)(c ) support in question was made while the licence was still in force.** This is incorrect: a reading of any NOMS policy on release on licence, and of the standard licence conditions, makes it clear that NOMS will have no further licence-related interest in any bail address once a licence has expired for either a foreign national or a UK citizen.
- ii) **In relation to your suggestion that a new application for Section 4 bail support must be made by our client – and by implication other applicants for Section 4 (1)(c ) bail addresses – if his NOMS licence expires part way through an application for Section 4 (1)(c ) support.** This is not indicated anywhere in current Home Office policy guidance on Section 4 (1)(c ) applications, and it is not clear what the barrier is to simply withdrawing the address approval request from probation in relation to the Section 4 address reserved for Mr [REDACTED] and simply granting him the bail address?

We therefore request that you review the initial response you have given to this complaint, and give particular attention to the accuracy of the statements you have made in relation to the intention of NOMS in relation to the need for licence-related approval of bail addresses this and similar licence-expired cases.

We also request that you review your statement that having waited 9 months to date, during which lengthy period his NOMS release licence expired, Mr [REDACTED] (who remains in detention) should alternatively begin a new application for Section 4 (1)(c ) bail accommodation simply because his licence has now expired. We believe it is essential that you do so, because as things stand the Section 4 bail team appears to be operating a policy in relation to licence checks that is at odds with its published policy, as well as being at odds with standard NOMS practice.

We look forward to receiving your review of your response to our complaint within 20 working days of the date of this letter.

Yours

**Matt Duncan**  
**Legal Manager**  
**BID**

**Enclosed/attached**  
Copy of signed letter of authority



28 Commercial Street, London E1 6LS  
Tel: 020 7247 3590 Fax: 020 7426 0335  
Email: [enquiries@biduk.org](mailto:enquiries@biduk.org) [www.biduk.org](http://www.biduk.org)  
Winner of the JUSTICE Human Rights Award 2010

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15<sup>th</sup> May 2014

CMS reference: 131-52940  
HO reference: [REDACTED]  
BID reference: 1027/13

Dear Sirs

**Request for review of response to complaint: your ref 131-52940 dated 30 April 2014**

On 2<sup>nd</sup> April BID made a service complaint to the Home Office about the delay in handling the application of our detained client, Mr [REDACTED], for Section 4 (1)(c ) bail accommodation. You responded to our complaint on 30<sup>th</sup> April.

We do not consider that you have responded to this complaint in a satisfactory manner and request a review of your handling of the complaint.

The basis of this complaint was that at the time of writing [REDACTED], who is being held in immigration detention, has now been **waiting for a period of 5 months (since at least 17<sup>th</sup> December 2013) for probation approval of the Section 4 (1)(c ) address you have sourced for him.** Our client lodged his application for a Section 4(1)(c) bail address on the 7<sup>th</sup> October 2013.

During the time that this Section 4 (1)(c) bail address is subject to checks by probation the Home Office is paying rental for this Section 4 accommodation, in addition to detention costs, for Mr [REDACTED]. We believe it is therefore in the interests of both the Home Office and our client that this probation approval process is concluded without further delay. However, we have not been provided with any evidence that the lengthy delay in concluding probation checks has been escalated within the Home Office hierarchy. We consider that it is not sufficient for the Home Office to simply wait for probation action to be

concluded, but rather the lengthy delay to date suggests that a more proactive approach is required.

This is the substance of our complaint, and we do not consider that this has been adequately addressed in your response to the complaint.

In your reply of 30<sup>th</sup> April to our complaint you simply note "*the case owner is currently in the process of assessing suitability for [in fact it will be suitability of] accommodation that has been identified for your client. You will be notified of the outcome as soon as possible*"

**We therefore request that you review the initial response you have given to this complaint.**

As part of this review we ask that you provide us with an adequate explanation for the delay in concluding the probation approval of the proposed Section 4 (1)(c) bail address, including an indication of steps taken to escalate this matter within the Home Office, and within the relevant Probation Trust. For example, have you been in contact with the Foreign National Single Point of Contact for the relevant Probation Trust? If not, please explain why not. If you have been in contact then please indicate the outcome of that contact.

We look forward to receiving your review of your response to our complaint within 20 working days of the date of this letter.

Yours



Sille Schroder  
**Legal Manager**  
**BID**

**Enclosed/attached**

Copy of signed letter of authority