



Janet Daby MP
House of Commons
London
SW1A 0AA

CTS Reference: T1533

25 February 2019

Dear Janet,

Thank you for your letter of 5 February to the Home Secretary about the planned charter flight to Jamaica. Your letter has been passed to me to reply.

The Government has been very clear that an injustice has been done to the Windrush generation – Commonwealth citizens who were residing in the UK in 1973 – and that it is determined to put that right. We do not want any member of the Windrush generation or their children to feel unwelcome or be in any doubt about their right to remain here. The Home Secretary has made the commitment to ensure the department takes the appropriate steps to resolve the issues faced by this group of people. So far, we have provided status documents for over 2,450 people who have contacted our dedicated Commonwealth Taskforce.

I can personally assure you that both the Home Secretary and I ensured that all of the cases for those scheduled for removal by way of the charter flight to Jamaica were carefully considered and personally reviewed to ensure that robust safeguards were in place.

You will be aware that Section 32(2) of the UK Borders Act 2007 sets out that the automatic deportation provisions apply to those sentenced to a period of imprisonment of at least 12 months. It is right that we protect the public from dangerous criminals and we have carefully considered each case to ensure that we are taking appropriate action.

The statutory Detention Centre Rules 2001, published Operating Standards for immigration removal centres (IRCs) and published Detention Services Orders set out the requirements for availability and access to telephones, the internet and email. Detention Services Order 08/2012 sets out the Home Office's policy on detainees' possession of mobile phones in IRCs.

Detainees are able to retain their own mobile telephones throughout their detention, provided their handset has no recording facility and/or access to the internet. Where a detainee's handset does not comply with these restrictions they are provided with a suitable handset by the immigration removal centre supplier so that they may maintain contact with friends, family and other means of support. Detainees are provided with access to a telephone during the removal journey.

The Legal Aid Agency operates free legal advice surgeries across the detention estate in England. Detainees are entitled to receive up to 30 minutes of advice regardless of financial eligibility or the merits of their case. The surgeries allow the solicitor to ascertain the basic facts of the case, decide whether the matter requires further investigation and determine whether the detainee qualifies for Legal Aid. There is no restriction on the number of surgeries a detainee may attend.

During a charter flight, a Chief Immigration Officer holds a surgery for any returnees that have any questions or concerns. If any questions cannot be answered during the flight, they will be relayed back to the UK for advice on landing. All answers are provided to the returnees before they disembark the aircraft. Where there is a last minute injunction during the journey, individuals may be brought back to the UK on the return leg of the charter.

I hope that this information is helpful to you.

*Yours ever
Caroline*

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