



Home Office

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Catherine West MP
House of Commons
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2 August 2021

Dear Catherine,

Thank you for your letter of 19 July 2021 to the Minister for Future Borders and Immigration in which you have raised concerns about the deportation of Zimbabwe nationals by charter flight which took place on 21 July 2021, due to concerns over political oppression and human rights provisions. I am replying as the Minister for Immigration Compliance and Justice.

Those returned on the charter were all foreign national offenders (FNOs) who have been convicted of serious offences including murder, rape, sexual offences against children, robbery and violent crime. Crimes of this nature have a devastating impact on victims and their families, as well as the wider community.

One of the Home Office's key objectives is to protect the public, by removing Foreign Nationals, who commit criminal offences where legislation permits. Our priority will always be to keep our communities safe. It is longstanding Government policy to deport FNOs, and since January 2019 we have deported 7985 foreign criminals from the UK.

Under the UK Borders Act 2007, the Home Secretary is required by law to issue a deportation order for a foreign national who has received a custodial sentence of at least 12 months, unless an exception applies. Additionally, a foreign national who has been convicted of an offence that has caused serious harm, who is a persistent offender or who represents a threat to national security, may be considered for deportation under the Immigration Act 1971 where it is conducive to the public good.

Deportation of foreign criminals is subject to several exceptions, including where doing so would be a breach of a person's European Convention on Human Rights or the UK's obligations under the Refugee Convention. A foreign criminal is given the opportunity to make submissions as to why he/she should not be deported. Where a foreign criminal seeks to remain in the UK on the basis of family or private life in the UK, the Nationality, Immigration and Asylum Act 2002 requires the Courts to have regard to Parliament's view that the deportation of foreign criminals is in the public interest, and that such public interest can only be outweighed by a strong claim under Article 8 of the European

Convention on Human Rights which satisfies the statutory requirements. All those deported on the flight were provided with the opportunity to raise claims, including asylum and human rights claims, prior to their deportation.

The length of time a person has lived in the UK, as well as the strength of their social, cultural and family ties to the UK, are factors considered when determining any Article 8 claim and whether there are very compelling circumstances which satisfy the requirements of the Immigration Rules. The Home Office only seeks to return those whose asylum or human rights claims have been unsuccessful. Individuals are only returned to their country of origin when the Home Office and, where applicable, the Courts deem it is safe to do so. By definition, they do not need protection and are not at risk on return. Each individual assessment is made against the background of the latest available country of origin information and any relevant caselaw.

In line with the published Immigration Removal Centre (IRC) Operating Standards, all individuals who arrive at an IRC (including those moved from prison) must be advised of their right to legal representation and of how they can obtain such representation, within 24 hours of their arrival at an IRC.

All individuals detained in an IRC are provided with a list of the Detained Duty Advice (DDA) scheme duty solicitors and are made aware that they are eligible for a free 30-minute consultation regardless of financial eligibility or the merits of their case. All people in IRCs are provided with a mobile phone and have access to landline telephones on request, fax machines, email and video calling facilities which can be used to contact legal representatives. To further support continued contact in these unprecedented times, we are also providing an additional £10 weekly mobile phone credit on request (paid directly to their phone or through top-up cards) for all IRC residents.

Face to face legal visits can also be facilitated in exceptional circumstances, where other means of contact (Skype, telephone, email) are not feasible, or to visit individuals facing removal within seven days. Safe systems of work are in place to ensure the safety of detained individuals, onsite staff and visitors during these visits.

In light of time sensitivities, those being held in IRCs who are scheduled to be removed on a charter flight are given priority access to IRC supplier welfare team assistance. Onsite welfare teams are able to assist with matters such as family contact, arrival in receiving country, arrangement of onward travel and other matters, including accessing legal advice.

We are aware of the current situation in Zimbabwe and we are keeping it under review. Removal of persons with no legal right to remain in the UK, including foreign national offenders, is only enforced when we conclude that it is safe to do so, with a safe route of return. Individuals to be removed have the opportunity to challenge such decisions in the Courts.

Each case is considered sensitively, appropriately and on its individual merits. All available evidence is carefully and sensitively considered against a background of relevant case law and in light of published country information, which covers country specific issues. The country guidance is published here:

www.gov.uk/government/publications/zimbabwe-country-policy-and-information-notes

I remain unapologetic about the need to protect victims and remove dangerous foreign national offenders who have caused harm on the streets of the UK.

A handwritten signature in black ink, appearing to read 'C. Philp', with a horizontal line extending to the right.

Chris Philp MP
Minister for Immigration Compliance and Justice