

Re-Detention

- A bailed person can be re-detained by the Home Office at any point
- Re-detention can often happen when the bailed person goes to sign-on.

Breach of Bail Conditions

- If the bailed person absconds (hides from the authorities) then you are liable to lose the bail bond.
- If the person absconds, the Home Office expects you to contact them immediately.
- The Tribunal will hold a forfeiture hearing to determine whether or not they believe you are responsible and should lose some, or all of the bail bond.
- At the forfeiture hearing the Tribunal will consider what steps you took to encourage the bailed person to follow their conditions, and how you responded when they didn't follow them.
- If you are worried that the bailed person may abscond, and you no longer want to be a cautioner, then you can write to inform the Home Office and ask to be removed as a cautioner. You should be aware that this will likely result in the bailed person being re-detained.

IBOPS Full Length Guide

“A Guide to Being a Cautioner in the Scottish Immigration Bail Process”

Useful Organisations

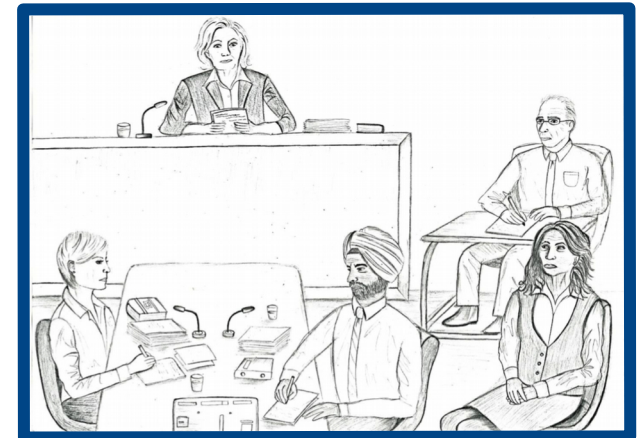
Bail for Immigration Detainees (BID):
<http://www.biduk.org/information-detainees>

Right to Remain Toolkit:
<http://righttoremain.org.uk/toolkit/>

Unity Centre Glasgow:
<http://unitycentreglasgow.org/>

Scottish Detainee Visitors (SDV):
<http://sdv.org.uk/>

Immigration Bail: An Introduction to Being a Cautioner in Scotland



Made on behalf of the
Immigration Bail Observation Project Scotland

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What is Bail?

- Bail is the temporary release of a person from immigration detention for a specific period of time,
- A person released on bail will have to follow certain conditions (e.g. living at a specific address, reporting weekly to the Home Office).
- Bail does not give a person a legal right to remain in the UK, but means that a person does not have to wait in detention whilst decisions about them are made.

What is a Cautioner?

- A cautioner is someone who attends the hearing at the First Tier Tribunal (Immigration and Asylum Chamber) and agrees to encourage the applicant to follow their 'bail conditions' if they are released.
- The cautioner will have to deposit a sum of money ('bail bond') that they might lose if the person breaches their conditions.
- Note that the Immigration Act 2016 will change the procedure relating to bail money in Scotland. Please see IBOPS full length guide for more details.
- The cautioner should be able to influence the applicant (e.g. friend of family) and should live in the UK legally. Having savings or a regular source of income is also helpful.
- People on bail will have to live at an agreed address which a cautioner can provide. This can help the case for bail.

The Bail Hearing

- At the hearing, a judge listens to arguments from the applicant and the Home Office to decide if bail should be granted.
- A cautioner should be able to attend the bail hearing in Glasgow. They are expected to arrive at 9:30am and may have to wait until 5pm before their hearing is called.
- The applicant will usually remain in detention and take part in the hearing via a video link. If the applicant has a lawyer, they will attend the hearing.
- A cautioner can be asked questions by the representatives and the judge. These often centre on how they can encourage the applicant to follow the bail conditions.
- The Home Office may argue that the cautioner is not suitable and can ask questions that seem harsh and intrusive.

What to Bring to the Hearing

- Passport, visa documents, 3 months' bank statements, proof of residence (if providing the bail address) (e.g. Council Tax Bill)

Some IBOPS Statistics about Cautioners

- Out of all the successful bail applicants, 77% had a cautioner
- Applicants with cautioners are twice as likely to get bail than those without.
- 63% of bail applicants have a cautioner.

If Bail is Granted

- Straight after the bail hearing, the cautioners will have to pay the bail bond to the Tribunal.
- Arrangements will be made to release the applicant to the agreed address.

If Bail is Refused

- The applicant will stay in detention and the cautioner will not pay any money.
- The person in detention can reapply for bail after 28 days (or earlier under certain circumstances).

Bail Conditions

- If bail is granted, the judge will inform the applicant and their cautioner of their bail conditions.
- The 'primary condition' sets out what the bailed person has to do when bail ends.
- The 'secondary conditions' normally restrict where the bailed person has to live, and also require them to regularly sign-on with the Home Office.
- If the bailed person follows all of their bail conditions, the bail bond will be returned to the cautioner.
- If the bailed person does not follow their conditions, they can be re-detained. If they do not follow their primary condition, then the cautioner's bail bond may not be returned.