

**ACCESS TO LEGAL ADVICE BY FOREIGN NATIONALS  
AWAITING DEPORTATION**

**INTRODUCTION**

1. In accordance with the May 2005 Audit and Strategy Committee and minute 145, this report seeks to clarify the issue of the right to legal advice for those held in police detention awaiting deportation.

**INFORMATION**

2. Every person, including persons arrested for immigration offences, detained in a police station in the Humberside Police region is given the rights and entitlements afforded by the Police and Criminal Evidence Act, for example, access to a solicitor, medical and general welfare rights.
3. Once a decision to deport a person has been taken, the person is issued with a deportation order and any further detention is simply for the purpose of awaiting transportation to take them to a deportation centre, pending their removal from the country. It is at this stage, whilst waiting to be taken to the deportation centre, that the person may be denied access to a solicitor.
4. A Service Level Agreement exists between Humberside Police and the UK Immigration Service which states:  
"Code C of the Police and Criminal Evidence Act 1984 does not apply to people who have been served a notice advising them of detention under powers contained in the Immigration Act 1971. Nevertheless, as far as practicable, the spirit of Code C will be applied to such people detained in police cells in Humberside. This will specifically include periodic reviews of detention."
5. As recently as July 2005, guidance was given to all custody officers by the Administration of Justice Unit confirming that if a person who has been served with a deportation notice requests a solicitor, it is Humberside Police policy to request that a solicitor attends.

**RECOMMENDATION**

6. It is recommended that this Report is discussed and noted by Members.

**Tim S Hollis**  
**Chief Constable**