



**UK Mission
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28 October 2014

Mads Andenas

Chair-Rapporteur of the Working Group on Arbitrary Detention

Heiner Bielefeldt

Special Rapporteur on freedom of religion or belief

Michel Forst

Special Rapporteur on the situation of human rights defenders

Christof Heyns

Special Rapporteur on extrajudicial, summary or arbitrary executions

Juan E. Méndez

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

OHCHR

Palais des Nations

1211 Geneva

Dear Chair-Rapporteur and Special Rapporteurs,

Thank you for your letter of 20 October 2014 regarding Mr Hazara. The attached letter from the UK Border Agency provides clarification on the status of Mr Hazara's removal. I will send a full response addressing your questions as soon as I can.

Best wishes

Karen Pierce

Karen Pierce CMG

**Ambassador and Permanent Representative to the UN and Other International
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24 October 2014

Ref: A2323071 Liaquat Ali 01 January 1978 Pakistan

Dear Special Rapporteurs and Chair-Rapporteur,

I write in response to your letter of 20 October 2014 regarding Mr Hazara.

A full response to the concerns raised in the letter is currently being prepared and will be sent to you as soon as possible. However, I have briefly set out details of Mr Hazara's case below to provide you with an update.

By way of background, Mr Hazara's asylum claim was refused on 30 August 2013 with an in-country right of appeal. Mr Hazara lodged an appeal against this decision, which was heard at the First Tier of the Immigration and Asylum Chamber on 9 October 2013 and dismissed by the Immigration Judge on 12 November 2013. Mr Hazara applied to the First Tier for permission to appeal this decision but his application was refused on 5 December 2013. He then applied to the Upper Tier for permission to appeal but this was also refused on 7 January 2014. Following this final refusal, Mr Hazara had exhausted appeal rights. He lodged Further Submissions on two occasions on 23 June 2014 and 20 August 2014, both of which were rejected with no right of appeal under Paragraph 353 of the Immigration Rules on 16 July 2014 and 15 September respectively.

As Mr Hazara has now exhausted his appeal rights and has no legal basis to stay in the UK, his detention was authorised and his removal from the UK is now being sought. His removal was in place for 21 October 2014 on a flight chartered by the Home Office. Mr Hazara lodged an application for permission to bring judicial review proceedings and his removal was reviewed in line with Chapter 60 of the Home Office's Enforcement and Immigration Guidance. Section 6 of the aforementioned guidance informs that a judicial review lodged after removal directions have been served for such charter flights will not always lead to a deferral of the removal and in such cases the only remedy available to the detained subject is the grant of an injunction by the Upper Tribunal of the Immigration and Asylum Chamber. In light of this guidance, the application for JR lodged by Mr Hazara was therefore not in itself a barrier to his removal. It is noted that Mr Hazara also applied for a stay of removal; however this was refused by an Immigration Judge on 21 October 2014.

Mr Hazara's removal did not go ahead on 21 October 2014 as the Emergency Travel Document requested from the Pakistan High Commission was not issued in time for his flight. Further submissions made on behalf of Mr Hazara prior to his removal are now being considered, including your representations, and the process of his removal will proceed pending the agreement of an Emergency Travel Document and the consideration of these further submissions. His detention will continue to be regularly reviewed.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'CHewett', written in dark ink.

Charlotte Hewett
Detention Manager
NRC Solihull