



Detention under the Immigration Acts: Law and Practice

Rory Dunlop, Graham Denholm, Lisa Giovannetti QC

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The UK has some of the largest immigration detention facilities in Europe, holding as many as 3000 individuals at any point in time. Foreign nationals are held under immigration powers in a variety of circumstances including on arrival pending examination, whilst an asylum claim is considered in the Detained Fast Track, and pending administrative removal or deportation. The routine use of detention powers, particularly in relation to foreign national offenders, has increased dramatically in the years since 2006. Advising individuals detained under immigration powers is no longer a niche field. An increasing number of practitioners need access to a clear reference guide when faced with cases which touch on this issue.

Detention under the Immigration Acts: Law and Practice is the only text to provide a comprehensive and detailed account of the statutory powers underpinning immigration detention and the limitations on those powers afforded by the common law, the European Convention on Human Rights and the law of the European Union. It is an invaluable resource not only for those working predominantly in immigration but also practitioners whose work may touch on this increasingly complex area, whether from a civil or criminal perspective, as well as the judiciary and government officials with a need for clear legal guidance.

Taking a practice focused approach, the work addresses the procedural aspects of litigation challenging detention, from bail applications in the Tribunal through judicial review claims in the Administrative Court, to civil claims before the County Court and the Queen's Bench Division of the High Court. It offers unparalleled coverage of the many hundreds of domestic cases on the subject, saving practitioners valuable time in their legal research. It also examines, in more detail than has ever been done before, the case law of the European Court of Human Rights and the Court of Justice of the European Union and suggests arguments to challenge detention and seek damages that have not so far been used in domestic courts.

Written by an author team representing both claimant and government interests, key issues are considered from a neutral perspective, providing a balanced and detailed exploration of the common law and policy based principles governing the exercise of immigration detention powers.

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