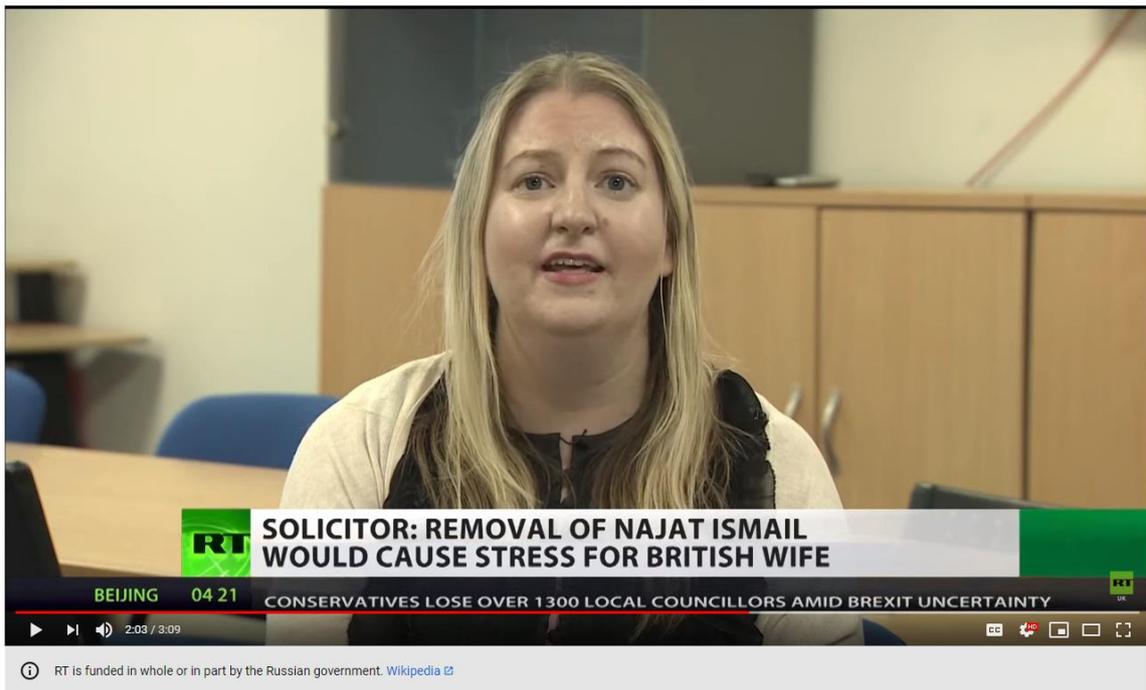


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Deportee has not lived in Iraq since 2003 - has British family



Refugees

# Deportation halted for man who brought injured niece to UK

**Najat Ibrahim Ismail came from France with baby girl burnt at French refugee camp**

**Diane Taylor**

Fri 10 May 2019 12.35 EDT



A man who brought his baby niece to Britain from a French refugee camp after she sustained serious burns has had his deportation to Iraq halted for the third time in a fortnight, minutes before the Home Office was due to put him on a flight on Friday afternoon.

**Najat Ibrahim Ismail**, 32, an Iraqi Kurd, is married to a British woman and has three young British children, including a 10-year-old son who has autism.

He was prosecuted for assisting unlawful immigration into an EU member state after bringing his niece, Rwen Tahsin Ibrahim, then seven months old, and other family members to the UK in January 2016 in what he says was an attempt to save the baby's life.

Ismail went to Grande-Synthe refugee camp in Dunkirk, where his brother Tahsin Ibrahim was staying with his family after fleeing from Islamic State in [Iraq](#). He discovered the baby had sustained 50% burns after falling into an open fire in the camp.

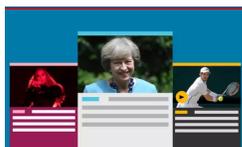
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His relatives travelled on false documents obtained in the camp and were granted refugee status after reaching the UK. Rwen received treatment in the UK and has made a good recovery.

Ismail was waiting to board the flight on Friday accompanied by a group of escorts and a paramedic when an order was granted by Lord Justice Davis in the court of appeal halting the removal.

The order stated: "One cannot ... at this stage entirely rule out the possibility that the secretary of state might have erred [in ordering the deportation]". He said that allowing Ismail's removal would "determine the matter without it having been fully considered."

The Home Office is seeking to deport Ismail after he was convicted at Portsmouth crown court in relation to bringing his niece into the UK and sentenced to 24 months in jail.



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The judge at his trial criticised him for the element of planning in the offence, but said: "I do accept that you were not a person who was trafficking for gain. These were family members you decided to assist."

Ismail said: "Right from the start, I admitted what I had done in bringing my brother's baby to the UK to get her the medical treatment she needed. I did what I did to save



the baby's life and get her medical treatment. I have served a prison sentence and shouldn't be punished again by being deported."

Ismail arrived in the UK in 2004 after fleeing torture in Iraq. He was granted indefinite leave to remain and lives in Portsmouth.

As he was taken to an immigration detention from Heathrow airport on Friday, he said: "I was so close to the plane when the phone call came through cancelling my removal. My heart was in my mouth."

His wife, Emma, said all that mattered was for Ismail to be reunited with her and their three children. "Our six-year-old daughter is missing her dad so much she said she wanted to steal a lollipop so she could be put in prison with him," she said.

Ismail's lawyers had obtained an expert medical report that concluded he was at immediate risk of suicide.

His solicitor, Hannah Baynes at Duncan Lewis, welcomed the decision to halt the deportation but said she was concerned that the Home Office had considered deporting Ismail in a waist restraint belt.

"We have medical evidence of serious concerns about his fitness to fly and serious risk of suicide. I was extremely concerned about the possible consequences if our client had been removed to Iraq today, particularly as the Home Office disclosed that they proposed to use a waist restraint belt when removing him," she said.

"In response to the medical concerns regarding his risk of suicide, the Home Office responded that it would be appropriate to leave the door to the aeroplane toilet open in order to safeguard him from harm to himself during the flight - a shocking attitude towards the dignity of our client."

Under Home Office rules, any foreign national who has served a sentence of more than 12 months is automatically liable for deportation, although "compelling circumstances" are considered.

A Home Office spokesperson said: "All foreign nationals given a custodial sentence are considered for removal and we have removed nearly 47,000 foreign national offenders since 2010. The health and welfare of those in immigration detention is of the utmost importance, which is why we have trained medical staff on hand to provide medical care to those in detention."

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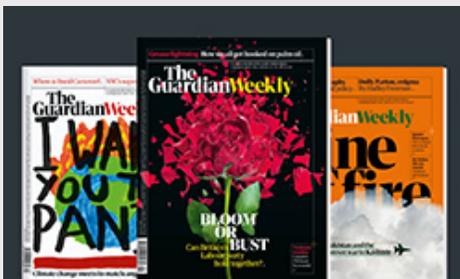
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