

Kosovan robber gets go-ahead to pay-out for unlawful detention



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A foreign national convicted of a string of criminal offences including robbery has won the right to damages from the Home Secretary for unlawful detention.

Ladi Mulliqi, a 27-year-old born in Kosovo, can expect to receive a payout running into thousands of pounds after he was held too long in custody while unsuccessful attempts were made to deport him after he finished his jail sentence.

A judge robustly criticised the "strikingly ineffectual" activity of officials attempting to remove him from the UK.

Mr Justice Irwin, sitting at London's High Court, described how Mulliqi was successively convicted of criminal damage, public order offences, assault and driving offences before being sentenced to 18 months imprisonment for the robbery in December 2009.

The judge said: "What is striking about this story is the sequence of contradictory and ineffectual decisions and actions on the part of officials acting for the secretary of state."

Mulliqi, who lived in the Bromley area of London, entered the UK illegally as an unaccompanied minor in June 2000 as a teenager and claimed asylum, saying he was of Albanian ethnicity and had fled Kosovo to Albania with a sister and friend at the age of 12 after the family home was set on fire.

His asylum claim was refused but he was given permission to remain in the UK until his 18th birthday in December 2002.

He overstayed and a late application to extend his stay was refused, but the application was not dealt with by the Borders Agency until nearly six years after it was made.

In the meantime, he acquired both criminal convictions and a significant health problem, said the judge. In 2004 he was diagnosed as suffering from bronchiectasis - abnormal widening of airways that become prone to infection.

On completion of his prison sentence in March 2010, he was taken into immigration detention while attempts were made to remove him.

His appeal bid was finally exhausted and removal directions were served for September 9, 2010. The judge described them as "the first of many ineffective decisions to remove the claimant".

Problems had arisen because of a dispute over Mulliqi's nationality and whether he should be returned to Kosovo, where Mulliqi said he was born, or to Albania, he having described himself as "of Albanian ethnicity".

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In December 2010 it was concluded that he could be removed "in a reasonable time scale" and his detention continued on that basis while further checks were carried out.

But in February this year he was eventually released on bail on the orders of a High Court judge after being held in detention for about 23 months.

Today Mr Justice Irwin ruled that the Home Secretary was fully entitled to detain Mulliqi pending deportation after he finished his prison sentence, but "by October 10, 2011, at the latest" should have realised that removal would not be effected within a reasonable period, and detaining him any longer would therefore be unlawful.

By then Mulliqi had been held under the immigration rules for 19 months.

The judge acknowledged the task of officials was not easy, but he said by the time Mulliqi was given bail the authorities "had not effectively advanced one step from the position they were in in late 2010".

The judge said: "It is perhaps particularly striking that the secretary of state took months before deciding to contact the claimant's foster parents and then took months without being able to do so effectively.

"Police officers made contact (with the foster mother) within 24 hours of the request that they should do so.

"So far as I am able to determine, none of the officials acting on behalf of the secretary of state managed to make any connections about this case with either the Kosovan or the Albanian embassies.

"Overall the activity here was strikingly ineffectual and, perhaps more to the point, no one on behalf of the secretary of state reached the conclusion that they were going nowhere."

The judge declared that Mulliqi's detention was unlawful from October 10, 2011, and he was entitled to damages from that date for the four-month period to his release on bail.

The judge adjourned the case for both sides to agree the amount of damages to be awarded, with the case to return to court if no agreement is reached.



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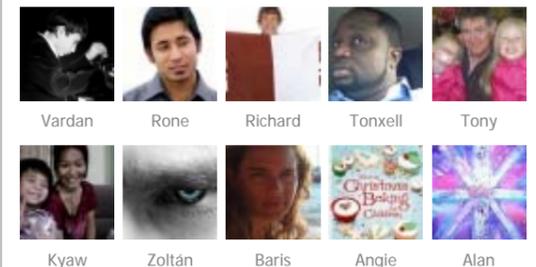
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