



Britain Yearly Meeting
of the Religious
Society of Friends

Sarah Teather MP
APPG on Refugees and APPG on Migration
House of Commons
SW1A 0AA

1 October 2014

Dear Sarah Teather

I enclose a submission for the inquiry into detention by the APPG on Refugees and the APPG on Migration. The submission comes from the Quaker Asylum and Refugee Network, and has the full endorsement of Quakers in Britain.

The Quaker Asylum and Refugee Network is an informal group of Quakers in Britain. Their members have considerable experience working with asylum seekers and refugees across Britain, through visiting detention centres, running advice centres and English classes, providing shelter and supporting detainees in many other ways. We see that of God in everyone, no matter where they come from or how they arrived.

I hope that the APPGs will consider this submission as part of the inquiry.

in friendship

Paul Parker

Paul Parker
Recording Clerk
Quakers in Britain

Submission to the Inquiry into the Use of Immigration Detention

Quakers in Britain and Quaker Asylum and Refugee Network (QARN)
September 2014

1: Introduction

- 1.1 This submission comes from the Quaker Asylum and Refugee Network (QARN) with the full endorsement of Quakers in Britain. QARN is a nationwide network of Quakers who have experience of working with asylum seekers and refugees. QARN works to change the way that refugees and asylum seekers are treated, to ensure that justice and compassion are the guiding principles. Our faith calls us to speak out on issues of social justice. Work with refugees, asylum seekers and men and women held in detention is an expression of our commitment to justice, equality and peace, and we welcome this inquiry in the hope that it might lead to desperately needed changes in policy and practice.
- 1.2 Quakers visit detention centres, act as sureties for detainees applying for bail, support detainees on release by providing shelter, offer therapeutic services and advice clinics, run English classes and mentor refugees. We are therefore familiar with the detention system in different centres across the UK.
- 1.3 We see that of God in everyone, no matter where they come from or how they arrived. Our experiences working with detainees demonstrate that the current system of detention is not just, effective or compassionate. Lives are put on hold for months and years. We believe that immigration detention has no place in a just and fair system, and urge this inquiry to recommend alternatives which enable people to make a contribution to society.

2: Questions asked by the inquiry

What are your views on the current conditions within UK immigration detention centres, including detainees' access to advice and services? Highlight areas where improvements could be made.

- 2.1 Conditions within detention centres are variable, with no consistent standard. (One of our members commented that she has heard that Brook House is particularly unpleasant.) There is a practice of making people share rooms, and there are some people to whom this companionship is advantageous – but by no means all. Ideally we would like to see detainees allowed to choose between single and shared rooms."
- 2.2 Generally speaking, there is difficulty accessing legal and health services. Health services need improvement – one of our members comments that she has heard frequent complaints from detainees of missed hospital appointments, sometimes, but not always, because an escort has failed to turn up. There is little provision for mental health support and inadequate monitoring. There is a body of research from organisations such as Medical Justice which shows that detention itself affects mental health negatively.

- 2.3 We are concerned about the lack of choice of legal aid funded solicitors for people in detention. One QARN member reports that his clients have had poor and minimalist service from one of the bigger legal aid contractors. Another QARN member, in reference to the impact of the cuts, said:

"A good solicitor we know said that as far as possible his work is by phone as he could not make a visit to the IRC because of time costs."

- 2.4 The lack of ability to sleep is worrying for physical and mental health. One of our members, who has been involved with Yarls Wood since it opened in 2001, said:

"In all my experience I have never yet found a single detainee who said they were able to sleep well in detention. Not one! Insomnia, and/or its closely related disturbance, not being able to sleep until the small hours and not being able to wake until very late in the morning, are absolutely universal. Nightmares and waking flashbacks are very common."

- 2.5 Another issue that needs addressing is that of the Rule 35 referrals. These are made by the IRC health staff when they judge that someone should not be detained because, according to enforcement regulations (Section 55), they have experienced torture or other health conditions listed in the categories of those who should not normally be detained. These cases are referred to the Home Office. Out of 79 Rule 35 reports made by Campsfield House IRC over the past 18 months only one detainee was released. This is of serious concern.

- 2.6 Detainees with little knowledge of English are disadvantaged. The telephone interpreting provided in IRCs, such as the Big Word system, has limited value. Members of Medical Justice undertaking medical/legal reports try to bring in their own interpreter where possible, as do members of Bail for Immigration Detainees.

- 2.7 Recreational facilities may be limited. There are proposals to build a further accommodation block within the existing perimeter fence of Campsfield House IRC, which will double the numbers detained without additional space for facilities.

How far does the current detention system support the needs of vulnerable detainees, including pregnant women, detainees with a disability and young adults?

- 2.8 According to the regulations many of the people in these categories should not be detained at all. In a study of bail hearings organised by Bail Observation Project, there were several cases where medical experts had recommended that the detainee be released, but a decision was still made to detain. This included a woman with severe mental health problems and a man with serious physical disabilities.

- 2.9 Detention exacerbates health problems, yet when detainees are asked how their requests for medical attention are answered, they say that staff do not believe them or simply give them two paracetamol. One QARN member said:

"With the stresses of detention and fear of removal, and sometimes separation from home and settled family, there are a great many women who develop psycho-somatic symptoms of all sorts, but it is gratuitously offensive and unprofessionally disrespectful to dismiss these symptoms as 'faking it'."

The symptoms are often just as much cries for help as deliberate self-harming, and may themselves amount to involuntary self-harming."

- 2.10 When staff consider that detainees have serious enough conditions to be taken to the local general hospital, there are chronic ongoing struggles between clinical staff concerned with patient confidentiality and escort staff concerned with possible escapes.

What are the impacts of immigration detention on individuals, family and social networks and wider communities?

- 2.11 Many people suffer long-term damage to their physical and mental health. Social and community support networks can be lost or disrupted, as Section 4 accommodation may be offered in a different locality on release from detention.

- 2.12 Individuals, families and their networks live with uncertainty and their lives are put on hold. One of our members says:

"A man I know, who now has leave to remain, was detained for a substantial period. His wife lost her husband and breadwinner and the children their father. When he was released on bail, he was not permitted to work. His family could not understand, and neither could his employer who wanted him back. His permission to remain came too late to prevent the breakdown of his marriage and it took a long time to get back to work as he had to retrain."

- 2.13 One QARN member mentioned two cases of individuals who were very disturbed, but continued to be held in detention. In addition to the distress of their own condition, there was a ripple effect on the detainee community and the Centre staff.

- 2.14 Many immigration bailed men of working age, as is normal, have their self-respect and sense of their own manhood tied up with their ability to earn money to provide for their families, whether in their own country or back home. One QARN member commented:

*"We have known several law-abiding, decent, Christian men, who when obliged to balance one set of moral imperatives – to keep the rules laid down in their bail orders, – against older, more deeply ingrained obligations to provide financial help for their own families in need, have worked conscientiously and honourably, but technically 'in the black economy', some even resorting to false papers and identities. Sometimes indigenous British firms 'turn a blind eye', and collude with this – as one workman said to me, memorably, of a deceased asylum seeker, 'Oh we all knew there was something queer going on; and mind you, Boss wouldn't have kept him if he hadn't been a good worker – but what else could the poor b***** do BUT work? What's the shame in that?' "*

- 2.15 Bailed women also have an urgent need to work legitimately, if they are to avoid crime; and young ones, in particular, are especially vulnerable to being dragged into prostitution, if they have no legitimate means of supporting themselves.

- 2.16 Many feel that to be detained at all is a disgrace, a degradation; and that this disgrace and degradation are prolonged while they are forbidden lawful

employment. Refusing permission to work is in itself a psychological prolonging of detention.

There is currently no time limit on immigration detention - what are the impacts of this?

- 2.17 We work with a number of organisations, including the Gatwick Detainee Welfare Support Group and Medical Justice, which have studied the effects of indefinite detention on mental health. One QARN member said:

"[I knew] a man whose nationality was disputed - he was born in one country in West Africa and moved as a child to another and had no papers for either. He was held in detention for nearly three years. When I met him he was mentally very fragile. He was subsequently moved to another detention centre and the visitor who saw him there described him as 'destroyed' by the experience."

- 2.18 One QARN member commented:

"The lack of time limit is described by some of the detainees I have met as one of the worst aspects of their incarceration, even a form of torture. For an African who had been tortured in his home country, the uncertainty was 'hell'."

- 2.19 Sometimes, despite medical advice, a decision has been made to continue to detain.

Are the current arrangements for authorising detention appropriate?

- 2.20 No – there should be judicial oversight of the decision to detain. If this is not possible immediately then it should be done within a brief period for example of 72 hours. Detention is, in principle, a last resort and for the shortest time possible. This should be put into practice. There should be a maximum time limit to detention of 28 days. One of our members said:

"I have heard a judge at a bail hearing in Newport say, 'I'm not having anyone mouldering in detention if there's no point.'"

- 2.21 The decision to detain is made by immigration officers without reference to a court. It is an administrative decision. Although each detainee has the right to apply for bail after seven days, very few are aware of this or able to access legal advice. Those making the decision to detain do not have to be trained to the level of senior judiciary, inadequate records are kept, and in many cases a default view that a person is likely to abscond is accepted without evidence.
- 2.22 While it is government policy not to detain survivors of torture or those with serious medical issues, in practice accepted survivors of rape and torture, pregnant women and those with severe mental and physical health problems are found in detention. In many cases detention adds to trauma already suffered.
- 2.23 The fact that nearly two thirds of those who had been detained for more than a year were subsequently released points to poor quality decision making and inefficiency.

2.24 Foreign nationals who have committed a crime are automatically referred for deportation if they have served a sentence of more than one year. Preparation for deportation should be made as they are reaching the end of their sentence but this does not happen as a matter of course. A QARN member commented on one instance where a man had been held for two and a half years after completing his prison sentence, and said:

“This was, in effect, double punishment. Granting bail, the judge said, ‘Because you have been so long in detention and before that expiating your crime, I am granting you bail.’ “

2.25 We are concerned about fast track removals, which we understand was one of the main issues behind the hunger strikes at Harmondsworth and Colnbrook. People with no knowledge of UK immigration and asylum law and procedures have very little time and no friends to consult in order to brief the contract solicitor they do not know. We wait to hear further developments on the Detained Fast Track system, after it was found in July to be unlawful.

What are the wider consequences of the current immigration detention system, including financial and social implications?

2.26 The financial cost is high. Holding one person for one year costs taxpayers £47,000. The failings of the current system also result in a significant number of people being detained unlawfully: in 2010 £12 million was paid in compensation. Detention Action estimates that £76 million is wasted detaining people who are subsequently released. There appear to be financial incentives for companies running detention centres to have a full complement of detainees.

2.27 The human cost cannot be measured. Many people suffer long-term damage to their physical and mental health.

2.28 The average citizen knows little about immigration detention and a number of false assumptions are made. One QARN member wrote:

“During an event in Refugee Week a man shouted at me that detainees were all criminals, rapists and paedophiles. Where did he get these ideas? There needs to be political leadership to challenge mythologies around asylum and immigration that endanger social cohesion.”

How effective are the current UK alternatives to detention (eg bail, reporting requirements)? Are viable alternatives to immigration detention in operation in other countries?

2.29 Bail is a hit and miss affair – decisions often seem arbitrary, and without legal support it is very difficult to get bail. Reporting conditions can be very severe and include tagging. (See reports from the Bail Observation Project.) However, the conditional freedom bail offers is important particularly for families. Without the right to work, it is a limited and frustrating option. Any future system should enable people to contribute to society.

- 2.30 For alternatives in other countries see the handbook of the International Detention Coalition *There are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention* and its recent supplement. The IDC suggests that rather than talking about alternatives to detention we should think of how to manage asylum seekers and migrants in the community. Detention should be exceptional and a last resort.
- 2.31 If the UK does continue to detain immigrants, it should implement a strict time limit. Although the EU Returns Directive has a time limit of 18 months, most EU countries have much shorter limits – for example, France has a limit of 45 days. We recommend a time limit of 28 days – the length of time that a British citizen can be held without charge.

3: Conclusion

- 3.1 Quakers have been involved in immigration issues for many years, and are campaigning for an end to immigration detention. Until that happens, we ask for better conditions within immigration removal centres and in the detention process.
- 3.2 On that basis, we make the following recommendations:
- Alternatives to detention which include the ability to work and contribute to society.
 - Judicial oversight of the decision to detain.
 - An automatic right to apply for bail, of which every detainee is informed.
 - A time limit of 28 days, with no re-detaining.
 - Greater accountability for the companies running detention centres.
 - Compliance with current government policy that survivors of torture and those with serious health issues are not detained, including pregnant women and survivors of rape.
- 3.3 We also recommend that the APPG consider how to challenge the current damaging attitudes towards immigration detainees in particular and towards refugees and asylum seekers in general. The APPG may consider doing this through oral hearings, both in Parliament and in other locations with local groups. Finally, the APPG could consider mechanisms to monitor the implementation of any recommendations.

4: Contact details

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5: Particular references:

Still a Travesty: Justice in Immigration Bail Hearings, Close Campsfield Campaign 2013

There are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention, International Detention Coalition 2011

Bail Guidance for Judges Presiding over Immigration and Asylum Hearings, Tribunals Judiciary, Immigration and Asylum Chamber (2012), Home Affairs Committee

Presidential Guidance note no.1, which includes guidance on time limits, 2012 (implemented on Monday 11th June 2012)

UKBA's Enforcement Instructions and Guidance Chapter 55. section 3.2.2

Who should not be detained by UKBA rules (pages 48/49)

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/enforcement/detentionandremovals/>

Corporate Watch report on Mitie plc: <http://www.corporatewatch.org/companies/mitie>