

The Detention Inquiry

Submission to All Party Parliamentary Group on Refugees and the All Party Parliamentary Group on Migration

Submission from: Professor Alison Phipps, OBE and Robert Swinfen (foster parents)

Submission written by Alison Phipps, with Robert Swinfen

We would be prepared to give oral evidence if required.

We welcome the opportunity to share our experience of immigration detention in the UK in a personal capacity, as (informal) foster parents. Our experiences of immigration detention occurred most acutely in 2009-2010 when our foster daughter was detained when signing on in the UKBA Reporting Centre in Govan, Glasgow. She was 16 years old. As such she was a minor, detained on her own, first in Dungavel Removal Centre and then in Yarl's Wood Removal Centre.

In this submission we will:-

- a) provide details of her detention and our experience of this as her foster parents.
 - b) provide details of the effects of her detention on our family and community
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- a) Our foster daughter reported with her foster father in May 2009, and was taken to Dungavel Removal Centre after arriving as an unaccompanied minor in Glasgow and being age-disputed. She was taken into a room with her foster father then asked to step through a door for an interview with a female member of staff at UKBA, Brand Street. The door was promptly security locked between her and her foster father, and her foster father was told by an officer, that he would never see her again. Her foster father was questioned about the nature of his relationship with our foster daughter and then sent home. Our daughter was crying in desperation but was then left in a room on her own with no food or water for 4 hours. An officer gave the following reassurance, she later told us. "Don't worry about Dungavel it's just like a big disco."

As her foster mother, I received a message at work to the effect that our daughter had been detained and I immediately left work to go home. My husband (her foster father) was in a state of severe shock. We packed up her belongings from her room, including an Easter Egg she had been given by friends, a small bean bag teddy bear, and some nail polish. We took these belongings up to Dungavel – an hour away by car - during visiting hours that evening. Our daughter was allowed into the visits room and had clearly been crying all day. She sobbed for two hours in my arms. We tried to offer reassurance about the things we were doing to help her case but with limited

English in common and in a state of extreme fear this was not easy to communicate. As I left her in the visits room I too began to cry.

During her time in Dungavel we renewed attempts at helping her case and began a campaign through our community networks. We visited her every evening and also took items for her. We were not able to speak to her by telephone as her phone had been removed from her, and her sim card (on which were the remaining details of her family back home) had been lost. This latter point is still a cause for great anger in our family due to the distress it has caused. It is regularly referred to by our daughter. It meant that for 3 years she was unable to gain any news of the plight of her family and especially her father, who was last known to have been imprisoned on grounds of his faith. The Easter Egg, bean bag Teddy bear and nail polish were confiscated from her too and put in HMIP bags in a locker. We were given these to bring home and told she would not be allowed to take them with her out of the country.

Through our renewed focus on her case we found the evidence of her age dispute was also extremely shaky. She had been assessed as a minor by the social workers conducting the age assessment but this had been overturned by their direct manager and since then we have acquired minutes of meetings where this manager pointed to the cost saving brought by age dispute and deportation of minors, for social work budgets. We realize this is not the subject of this Inquiry, but it is an important factor, in our view, in the large numbers detained as a result of an abdication of duty by social services, under pressure to make savings. We have since been able to demonstrate beyond any doubt that our foster daughter was indeed 16 (and not 18) at the time of her detention.

After one week of hard work on her case with her lawyer we were successful in gaining an application for Judicial Review with release, from an advocate in Scotland together with legal aid to pursue her case.

We received the news on a Friday afternoon and told our daughter that she would be released on Monday, after the weekend. We were all very happy though still anxious. We took her a new mobile phone and sim card so we could speak to her. On Saturday she phoned us in great distress with the news that she was to be moved to Yarl's Wood that night. We desperately tried to find an advocate who could prevent this move, but it was the weekend and she was woken from her bed in the night and taken in a caged van to Yarl's Wood, over night. By Sunday she was in Yarl's Wood. We spent two hours on the telephone on hold trying to speak to her and were repeatedly refused by the operators in Yarl's Wood. Each time we telephoned we were told a different story as to what she was doing (embroidery; hair plaiting; beauty bar; sleeping; sport; meals) We now know that none of this was true. She was in her room crying incessantly. "Yarl's Wood is the place where women cry all the time" she told us later. She asked

for an extra blanket as she was cold at night and was given a tea towel. To this day, when washing up at home, she will hold up a tea towel and call it a 'Yarl's Wood Blanket'. She asked for a glass of milk to drink and was given a miniature carton such as you are given with tea on a train.

We were not allowed to visit her in Yarl's Wood, but a friend who is a clergy woman was able to visit her and to act as a messenger. We occasionally managed to speak to her. Whenever we telephoned we were put on hold for up to two hours at a time (we subsequently made a complaint to the IRC and it was upheld) and in what to both of us appears to be depraved indifference and considered cruelty the canned music played for us to listen to as we waited had the following lyrics "Don't be afraid that I am leaving . Be strong on the surface' followed by 'Summer is over. The Innocent have never laughed. Drenched In my pain...here comes the rain.' Then finally, and with extraordinary callousness given that our daughter's journey to the UK had involved being shipwrecked in the Mediterranean "Baby, keep my head about the water, let me swim for my life." Her new mobile had been removed from her again, but she phoned us on phones from other detainees during the week before she was due to be removed.

There were several consequences of her removal from Scotland to England. First, it meant her case for legal aid was void and she was now unable to access legal aid in England in time to stop her removal. We paid a private immigration lawyer £8,000 to raise a Judicial Review on her behalf. Second, she was removed from all chance of visits from ourselves as foster parents and from friends in the community. The system in Yarl's Wood required at least 3 days registration of visits at that time. She was removed to Yarl's Wood over a weekend so the first opportunity to register for visits was the Monday and with deportation scheduled for Thursday there was no chance for us to gain access. The clergy-woman friend was able, as a result of her profession, to make a pastoral visit.

With 8 hours to go before her plane was due to leave we received the news that the lawyers application had been successful and that she was granted a Judicial Review with Release. Her temporary entry to the country was, rightly to our address. We were sent the documentation.

She received this news in Yarl's Wood and was able to telephone us and was overjoyed, as were we. We had gathered a group of around 20 friends in our home that evening to hold a vigil for her all those who would be deported. The tears turned to joy at the news of this important breakthrough.

At 5am the following morning the security guards in Yarl's Wood woke our daughter and told her to pack her belongings as she would be removed with immediate effect. She protested but was threatened and so fearing for her safety and extremely frightened she hastily packed her belongings and went down to reception with the guards. She waited there in the foyer for the van

to the airport. The van arrived and the guards who had made her pack then turned round and laughed at her and said that they had only been joking.

She was released later that day, given a one-way ticket to Glasgow and put on a train at Bedford station. She had not been able to telephone to let us know and eventually arrived at our house after taking a taxi from the station, around 10 hours later. We were of course desperate with worry.

- b) The effects of our daughter's detention and this experience on our family and community (together with the long campaign for justice, which resulted in her being recognized as a refugee in 2011) have been profound. During the time when she was detained I was signed off work sick for a week with acute stress. I suffered post-traumatic stress, flashbacks, nightmares and panic attacks and secondary trauma through her experiences. I suffered long phases of insomnia and my husband suffered acute migraines and anxiety attacks. Our own parents (our foster daughter's grandparents) also suffered insomnia and anxiety and were deeply upset as the system of justice in the UK in which they had always placed faith throughout their long lives was suddenly revealed to be cruel and unusual in its treatment of a very vulnerable and beloved girl. Our daughter also suffered the same effects, with periods of vomiting every time she had to interact with the Home Office, UKBA and a fear and suspicion of all authority.

The wider family and community were distressed, disturbed and appalled by what had happened and many engaged their MPs on the issue, as well as the press. In very many conversations with community members and family who inquired about our situation and our experiences as a family, I would find people moved to tears when they heard of what had happened. My own trust in the Immigration and Detention System of the UK has been entirely shattered by this experience, which, through listening to others and through subsequent research in the field, I have discovered to be a fairly standard experience. Our foster daughter was lucky as she had parents who knew how to work within the labyrinthine system, are articulate and well educated, with a strong support network, loving family and with financial resources to pay the considerable private legal bills which were necessitated. We know of many others who have not been so lucky and who we have consequently lost to the system.

The situation of families and friends is of particular concern. After the consideration of welfare of detainees and we would ask that the position of families and friends also be considered carefully by the Inquiry. We have looked into the welfare arrangements for families of prisoners and find these to be far superior and far more compassionate in the main than for those of Immigration Detainees. There are simply no support services for the families, friends, community members, school friends, of Immigration Detainees. Detainees are moved around the country on what seems and certainly feels like a deliberate policy of detaching them from the communities of support.

This happened in our own case but we know of many, many other instances of this occurring.

Where this involves cross-border movement between the English and Scottish jurisdictions this has immediate, and we now believe, deliberate consequences for access to legal aid. In short, we have come to understand that when news reaches the IRC that a detainee has received a JR with release they will be moved to a different jurisdiction to thwart that process. Those under threat of removal, especially with the new family income rules, are those living in financial hardship so cannot afford the costs of travelling long distances to visit family members. Again, we hope that this is not a deliberate policy but would recommend strongly that the needs of family and community to visit detainees are accounted for in the decisions as to where a detainee is to be housed, if detention remains a UK Government policy.

In the light of the extremely high cost of keeping people who have not committed an imprisonable offence in detention and the expenses consequences of detention in terms of the health and wellbeing, sick days lost to employers etc of those members of the immediate family friends, we would strongly recommend alternatives to detention are found. In particular, given our own experience of our foster daughter's successful claim the experience of detention and long term psychological impact of this over many years was clearly a mistake and an unnecessary expense. This is true of many of those detained who are also subsequently successful in their claims, released and often have legitimate claims for damages against the detaining authorities and decision-makers. Improving the quality of decision making at all levels of the immigration process is vital.