



Challenging asylum destitution
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Charitable Incorporated Organisation no. 1154862

September 30th 2014

Submission to Detention Inquiry

1. ASSIST Sheffield is a registered charity which supports destitute refused asylum seekers. Through donations given by the public we ensure that destitute asylum seekers in Sheffield have sufficient means to obtain food and other necessities, and do not sleep on the street. We accompany asylum seekers to regular reporting events with the Home Office and to other key appointments, provide accommodation in shared houses and the homes of local people, give bus passes, small weekly payments for food, and referrals to food banks. The organization is volunteer-led, and volunteers provide a range of support.
2. Dealing with detention is not our core work, but when our clients are detained volunteers often remain involved in practical ways, including by visiting the person detained. Detention for our clients is always in theory preparatory to removal, but see the comments below on the decision to detain. We have responded to the questions which we can address directly from our experience.
3. What are your views on the current conditions within UK immigration detention centres, including detainees' access to advice and services? Please highlight any areas where you think that improvements could be made.
4. We do not have wide experience of detention conditions, though it is clear anecdotally that they vary between detention centres. Our main experience is in relation to access to advice. The legal aid contracting rules entail that the majority of our clients who are detained have to start again with a new solicitor on the duty rota whom they have not met before and who knows nothing about their case. Often our clients have spent considerable periods in destitution and have no current solicitor, but they may have a former solicitor whom they would prefer to instruct in the crisis situation of being detained. The lack of this choice at such a critical moment can be distressing.
5. Delay in access to appointments is another stressful experience. One client detained at Morton Hall was told that there was no appointment available before his removal was due. When our volunteer intervened by phone with the detention centre the volunteer was informed that there was a policy of ensuring that an appointment was available before the removal date, and the asylum seeker was given an appointment. The policy had not been applied to him without outside intervention.

Patrons: Sheila Cassidy (prisoner of conscience Chile 1975), The Rt. Hon. Nick Clegg MP, The Right Rev Dr Steven Croft (Sheffield Diocese), Rev. Vernon Marsh (Chair of Sheffield Methodist District), Pat Midgley JP, The Right Rev. Bishop John Rawsthorne (Hallam Diocese)



City of Sanctuary

6. The lack of knowledge of operational staff in the detention centre about the immigration situation of the detainee can be problematic. This seems to result from the separation between the private firms running the centres and the Home Office officials responsible for immigration decisions.
7. A recent and shocking example was of one of our clients who refused to leave Morton Hall in the evening in order to go to Colnbrook in readiness for a flight. He said that he should not be removed because he had a fresh claim pending. This was not checked, but his refusal to leave was later used as a reason to issue new removal directions without notice,¹ despite the fact that he was right to say that he had a fresh claim pending. He was later taken to Brook House in the middle of the night, a few hours before another flight. Again he said he had a fresh claim pending. The response of the guards was 'if it's a mistake they can bring you back'. Since transport staff take no responsibility for immigration matters, they did not consider it part of their brief to check whether he was right. Investigation as to whether this removal was illegal are ongoing.
8. Another issue on conditions we have encountered on several occasions is that detainees may be moved around from centre to centre, sometimes in the middle of the night, with no information given to them about why this is being done. If several detainees are being collected they may be transported around in a van, again late at night, without any idea of what is happening or why. Sometimes it appears that this is just related to the logistics of the detention estate.
9. There is currently no time limit on immigration detention – in your view what are the impacts (if any) of this?
10. The absence of time limit is chilling and frightening for the detainee. It is deeply contradictory that a person facing criminal charges has a right to bail, but an immigration detainee, who is not facing any criminal penalty nor charged with any wrong, does not have a right to bail. Since there is no automatic bail hearing, there is no requirement for detention to be justified to an external authority. Internal reviews can be perfunctory, and the absence of any time limit means that there is less pressure to resolve the detainee's situation.
11. One of the most insidious things about the absence of time limit is the message that it sends to foreign nationals. The message is that the government remains ultimately in control of their destiny. Most of our clients have lived in the UK for many years. Some have worked and studied here before they applied for asylum. Most have a web of relationships, some do volunteering, or go to English classes or religious groups. While our clients have not been subject to the lengthiest detention that occurs in the UK, the message of no time limit on detention is that the individual's life and needs is of little consequence by comparison with the state's right to remove their liberty. The absence of a time limit combines with the actual experience of detention to undermine the detainee's autonomy and dignity.

¹ New removal directions without notice are authorised where a detainee refuses to board transport or leave a detention centre for removal by Enforcement Instructions and Guidance https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330358/Chapter_60 but not where a fresh claim has been submitted since the previous removal directions.

12. Are the current arrangements for authorizing detention appropriate?
13. Detention is sometimes authorized when there is no imminent prospect of removal. A recent example is not unique. One of our clients was detained on 9th September 2014. No removal directions were given to him. He was released from detention on 26th September, having been transported from detention to his embassy for an interview, and back again to the detention centre. The embassy told him that he will not receive travel documents unless he has a passport, which he has not.
14. The procedures and requirements of different embassies are known to the Home Office, and one reason that so many refused asylum seekers spend so long in the limbo of statuslessness and destitution is the stand-off between the Home Office and embassies. While the law permits detention in order to take preparatory steps towards removal, according to Home Office policy detention should still be justified by for instance risk of absconding. Such detentions (to make practical arrangements for removal) are in practice authorized when the asylum seeker has been reporting regularly and has not failed to comply with conditions of temporary admission. *Failure* to attend an embassy interview could arguably be relied upon as a reason to detain, but when no effort has been made to achieve attendance at an embassy interview, detention is a disproportionate way to achieve it. .
15. Another refused asylum seeker known to our organization has been detained three times in the last year, and is now again at liberty since her home government will not issue travel documents. Repeated detention of asylum seekers whom there is no prospect of removing is arguably unlawful as well as inhumane. We do not know the process by which detention decisions are made in these cases but it appears to be flawed.
16. Given the limits on our expertise in relation to detention, our submission is necessarily brief. However, we do think that the use of immigration detention should be reduced to a minimum since it is a prima facie breach of the right to liberty. The use of detention as a last resort is stated in policy but this is not practice.
17. Thank you for this opportunity to comment.

Yours faithfully,

Gina Clayton
Chair, for ASSIST Sheffield

