

INTRODUCTION

1. Bristol Refugee Rights was set up as a voluntary organisation in 2006, originally under the name *Holding Refugees and Human Rights in Mind* , to uphold and champion the human rights of Asylum Seekers and Refugees (ASR). We provide a place of welcome in Bristol where ASR can meet and be supported to play a full part in the life of the wider community; we also campaign for the human rights of ASR. Bristol Refugee Rights aims to deliver a ‘user-led’ service that addresses the practical, psychological and human rights needs of ASR.
2. Our membership, (service users) come from more than 60 countries and approximately 50% of our members have their leave to remain and the rest are waiting for a decision or have their cases refused, i.e. are liable to detention. We have an average of 80 members per session, open three days a week. Our total membership has been more than 2000 over eight years.
3. We convened three meetings to collect evidence for this inquiry. We have known of at least 30 detentions in the last 4 years. Several of our volunteers and members of our Member Consultation Group have been in detention and have been released and now either have their leave to remain or their cases are in progress again, who were willing to share their experiences. We have spoken to 9 men and 3 women asylum seekers from Sri Lanka, Morocco, Sudan, China, Ivory Coast, Eritrea, The Gambia, Kenya and Zimbabwe, to inform this submission.
4. As volunteers and supporters we have visited our members when in detention and sent cards and messages of support. We are not funded to do this work but individuals involved in the organisation have felt moved to support our members while in detention.

5. 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.

- a) There is an absolute need for all detainees to have access to good quality, timely legal advice:
- i) At one IRC (Haslam), told that rota Solicitor would not come in that week because too few people to be seen!
 - ii) For a detainee with RDs, it was impossible to see a rota Solicitor that week because when they arrived at the IRC, the list was already full. The following week the detainee would have been deported.
 - lii) One of our members was offered an appointment with rota solicitor three days *after* the date set for his removal
 - iv) We have seen many cases where solicitors take instructions and say they will ask what action can be taken. By the time they come back to the detainee to tell them that they are taking no action it is too late to find alternative representation. When private solicitors are employed, action often seems possible, so those unable to pay seem to be unable to access their protection rights.
 - v) Detainees often report feeling like they have been abandoned, given up on and no longer protected by the rule of law.
- b) A timeframe should be established for when a rota Solicitor who takes detainee's papers is allowed to consider the case, before informing the detainee if Yes or No. Too often a No is received when the detainee has no further time to find a solicitor before deportation.
- c) There needs to be scrutiny of the rota Solicitor firms' competence/quality of work. As above, refusal can be given too late, or there is reluctance to act forthrightly to challenge a detainee's detention.
- d) At BRR, we have experience of many hours of advice/support being given to a detainee to prevent removal. Those without these links are at times returned in breach of international obligations.
- e) From the moment of being detained people feel criminalised instantly because of holding in police cells – treated worse than those with criminal charges as not aware of what is happening and not given copy of their rights or access to phone call. Everyone should be given a copy of their rights, written by an independent

body. This should be widely available to friends, family and supporters.

- f) Medication – withholding and re-prescribing medication without reference to patient’s medical history patient notes are available to doctors when a patient moves in order to achieve best understanding of patient condition and needs and to make appropriate interventions in the light of this known medical history. Why deliberately ignore this for this particular group of individuals? How can this be justified?
- g) Difficulty in contacting, visiting and communication – fax, phone etc. – for friends, visitors, supporters. Hard to access info from UKBA about state of the detention (did get a bit better).
- h) Access to lawyers – erratic and unfair. 72 hour rule is far too short for anyone to get properly represented. Extend to 5 working days?
- i) Conditions vary widely; Campsfield which is nearest to us is generally reported to be much better than Harmondsworth and Colnbrook. Our members have described life in Colnbrook to us: no windows, smoking indoors, eating, sleeping and going to the toilet in one room, and only 45 minutes of fresh air a day. At Haslar people reported very poor phone signal and internet connection, with many useful sites blocked.
- j) No removals until had proper legal advice and being able to have the solicitor that working on the outside
- k) Independent scrutiny of the IRCs, especially the arrangements for legal advice and reviews on the legal contracts. The fact that the UN rapporteur was not allowed in, to Yarl’s Wood is alarming and visitors- open to MPs, UN, doctors, to inspect, not just in the visitors areas.
- l) Need independent ongoing oversight both of management of IRCs and associated contracted firms for transport and removal e.g. G4S etc.

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

a) There are many, widely reported instances of the detention system failing to support the needs of vulnerable people. Allegations of abuse of women detained at Yarl's Wood and the Serco employee dismissed for "inappropriate behaviour with a resident" illustrate the way that all those in IRCs are vulnerable to the whims of those who run the Centres. This is even truer for people whose circumstances mean that their needs are especially acute or make them less able to speak out.

b) We heard from a BRR member in her sixties who is diabetic, with a disability that means she relies heavily on a stick to walk and struggles to climb stairs.

- I. When she was first detained she was taken into the police station at 9am, but did not arrive at Yarl's Wood until 2.30am the next morning. She spent the intervening hours in physical discomfort and deep fear and anxiety.
- II. Now she says that she wakes up on mornings when she is to sign at the police station "hoping that death can come and swallow you and finish everything". The fear of being detained and potentially removed to her country of origin in Africa is so great that her one wish is to know that she will die in this country.
- III. The food at Yarl's Wood was inappropriate for a diabetic and lacked nutrients and balance, meaning that she put on weight in the Centre. Often items such as fruit or milk would run out before many detainees were fed.
- IV. She described the situation of a fellow detainee who had fallen on her back and could only just walk on two crutches. She had been sleeping in a chair for seven months, apparently with no special provisions made to accommodate her physical needs. When she had visits from a solicitor she was dressed and put into a wheelchair, but the rest of the time she languished without support.

c) Another BRR member described how the medication prescribed to him by his GP was given to him at the wrong time of day and withheld when he requested it at the time stated in his prescription. When he spoke up about

this problem his complaints were brushed aside with the comment “that’s how it works here.”

d) He told us the story of his cell mate in Harmondsworth “F wing” – what else can you call the person who shares your room, locked from the outside with not much more than a seat-less toilet for furniture? This man spoke no English, so they could not talk to each other, but he was clearly very ill. He would be up most of the night coughing and choking, was weak and losing weight. We heard how this man needed help to use the toilet during the night and of the fear that one night this man might die and no one would come to help.

e) Another member told us of a detainee who had suffered a severe stroke whilst in detention and remained there for months without adequate support.

e) We also heard from another BRR member of how people struggling with detention received little or no support. He told us of the deep claustrophobia he experienced in Colnbrook, in his cell 23 hours a day. He spoke of his urges to self-harm and the widespread distress and damage to the mental health of detainees that he saw.

1. For those with experience of arbitrary detentions, and especially torture, in their country of origin the negative effect of being detained on their mental health must be huge. We would urge that the systems for ensuring that no-one who has experienced torture should be detained on immigration grounds be improved.

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

7a Individuals

Before detention - A major problem is the impact on mental health, especially the fear/anxiety of going to sign regularly; many members of BRR have told us they do not sleep the night or even the week before signing. They have bags packed to take with them to sign in case they are detained that day.

Uncertainty/not knowing when or if they will be detained creates a climate of ongoing distress. Many people live for years like this.

During detention – Visitors have witnessed people's mental health deteriorating inside IRC. One member described being in detention as having to get in to another mind set. When officers in detention said they would deport him his reaction was to think 'I'm going to harm myself, I'm going to do hunger strike'. Another member told us "It is mental torture. It is unjust. It has to be changed, no matter how long it will take."

After detention – Members report that detention has a long term affect, it is hard to re-integrate in to the community afterwards, feelings akin to a criminal. There are also then the practical problems of arranging housing, and sometimes theft of personal possessions from NASS housing. One member who was detained and then released had been attending an ESOL course at College, but missed his exams due to being in detention, potentially setting him back a full year.

Family and Social Network: Separation from any immediate family in Bristol. Families are unclear, uncertain what is happening. They often do not know how to contact people who are detention and feel alone. If the family members are themselves also asylum seekers they cannot afford to make visits to detention. IRC's at least 75 miles away from Bristol, not easy for supporters from Bristol to visit. We heard of a man detained while his partner was 8 months pregnant. His partner was unable to visit him and he was ultimately deported. This child has not met her father.

Wider Communities: Our members are often very involved and embedded in local community life. Taking them out of the community without notice is akin to someone one day suddenly disappearing from their life and routine and the community is left to pick up the pieces. This has an impact on all groups that the asylum seeker is involved with which can include churches, charity organisations, College and education courses, schools, health provision that they have taken up i.e. counselling, hospital appointments, volunteering.

8. There is currently no time limit on immigration detention – in your view what are the impacts (if any) of this?

This area of Immigration Detention is, we believe, urgently in need of reform. The UK is one of only a few countries that does not have a time limit on detention. Under criminal law and terrorism act being detained/imprisoned is time limited, Terrorism Act is 14 days. Why is immigration detention exempt from this law when conditions in IRC's are, as this report describes, indistinguishable from prison conditions? Our members have told us how scared they are about being taken into detention and not knowing how long they will be kept for. They have described this as a form of mental torture. One of many examples that we know of one person was in detention with a man in his 50's, suffering from severe depression, detained for over 2 years. We have also heard of people stuck in a position where the Home Office believes them to be from a particular country, but this country does not recognise the individual as a national of that country. This can result in long periods in detention, through no fault of the person concerned.

9. Are the current arrangements for authorizing detention appropriate?

- a) We have seen through many examples that the current arrangements for authorizing detention are completely inadequate. The decision to detain is made internally by a Home Office official, and the only people that review that decision are other officials in the same organisation. While the law says that they must prove that detention is necessary, in reality the decision seems to be rubberstamped. There is no automatic, independent scrutiny, and reviews of the decision to detain often merely reinforce the initial flawed decision.
- b) We recommend that there should be an automatic, independent review of detention to bring UK policy into line with international and human rights standards. It is shameful that people's liberty is taken away without a court reviewing the decision. The onus seems to be on the detainee to prove that they should be released rather than other way around. No-one should anyway be left in detention without RDs for more than 14 days (compare terror suspects maximum pre-charge detention.)
- c) Those detained, especially if they don't have lawyers, have difficulties with communication, restricted access to legal aid, can languish in detention for years. One man that we met recently at the Welcome Centre spent 26 months in detention, which is a travesty of justice, expensive and detrimental to social cohesion. The lack of proper process in this area leads to the view that immigration detention is being used as a punishment or an attempt to deter those who exercise their legal right to seek protection. The Home Office decisions appear opaque, random, spiteful and in many cases our members are released

once they have access to a proper legal representative who can challenge the decision to maintain detention. This is wasteful but also is creating legacy of traumatising and other mental health difficulties that result from periods of detention. This is especially cruel among the asylum seekers and refugee population where mental health difficulties are already at a chronically high level.

“I had signed on time every time for four years. Then I was detained and spent seven weeks in detention. Then I was released. I do not understand what happened. I am more vulnerable, I feel more negative now, it has had a big mental impact” (former detainee.)

d) Erratic in terms of process – papers randomly served on detainees – sometimes no papers, sometimes before detaining sometimes several hours after detaining; sometimes served on representative, sometimes not; meaning valuable hours of the minimum 72 hours are lost:

- a) Bail rules – need to be an expectation of getting bail if no removal plans within a very limited period (7 days?)
- b) Detention often authorised for the purposes of removal without a decision about which IRC a person should go to/when RDs will be set for which means people spend time in detention, particularly police detention which they shouldn't need to if detention was only authorised once proper arrangements were in place
- c) Decisions to detain are often made at inappropriate points of the case e.g. at the same time as serving a decision to refuse to accept fresh representations as a fresh claim, a decision which could be challenged by judicial review. This results in a large number of unnecessary detentions, as people are later released after making a claim for judicial review and a large amount of wasted court time in dealing with urgent applications.

F. What are the wider consequences of the current immigration detention system, including any financial and/or social implications?

a) The Migration Observatory from Oxford University cites figures from a 2007 FOI putting the cost of detention per person per week at between £511 (Lindholme IRC) and £1,344 (Colnbrook IRC). From the figures in given in a government report on 4 February 2010 (an average of £120 per person per

day) they estimate that Campsfield IRC alone must cost around £8,497,200 a year. This is not to mention the associated legal and other external support costs surrounding people in detention.

b)The figures above are not cited as an argument for lower spending per head on immigration detention. Instead they form part of an argument for widespread reform of one of the largest immigration detention estates in Europe.

c)Far fewer people should be detained. This would not only save on the costs of maintaining such a large system of Removal Centres, but would alleviate some of the other costs and consequences outlined below.

d)Detention has a damaging effect on the health and wellbeing of detainees. The conditions in IRCs are such that people are often not eating well, are isolated, anxious, depressed and scared. The cost of this decreased well-being is clearly very high for the individuals, but at the same time is hard to measure as a cost to wider society.

e)We have heard often how this fear and depression stays with people, becoming particularly acute on and around days when signing in with the Home Office occurs.

f)The detention of migrants forms part of the relationship between wider society and those vulnerable to detention. At BRR we have witnessed how the practice of detaining people during their asylum claim contributes to people viewing the UK authorities with fear. We have been working together with local police about how to improve this negative perception. This is a hard task when people know that they may be detained at any time, held for long periods and possibly removed from the country. It is a terrible shame that people who have fled to this country to seek safety should come to view the authorities here with suspicion and fear.

g)We heard from one of our members how, after being released from detention his relationships with his neighbours were damaged by their having seen him escorted from his home by the UKBA. Their presumption seemed to be that for him to be treated like a criminal in this way he must have done something wrong. Immigration is a toxic issue in society and the practice of

detaining migrants who have committed no crime can only feed the image of asylum seekers and other migrants as “bogus” or even criminal and a problem for the country.

h) A further consequence for the UK of its large and often inhumane immigration detention estate is the effect this has on its international reputation. Earlier this year the UN Special Rapporteur on violence against women claimed that she was denied access to Yarl’s Wood IRC, a move she described as “disturbing”. The very fact that a UN Special Rapporteur wished to visit an IRC says something about the way in which the British approach to this issue may be viewed internationally. The UK is a country which aims to be a beacon for human rights; a large network of detention centres for people without charge or trial cannot be in keeping with such an aim.

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

a. A requirement to report is often terrifying for asylum seekers, particularly where reporting takes place at a police station. They fear the contact with authorities (as many of them are fleeing such authorities in their own countries) and also fear being detained. An alternative would be fingerprint recognition at a “safe place” or telephone reporting from an agreed landline telephone.

b. Reporting has the impact of making it easier for Immigration Enforcement to detain people – as they will know where the person will be at a particular time to detain them – but in reality does not prevent a person from absconding.

c. Bail, with its added conditions, provides greater incentive to people not to abscond but is unrealistic (as not everyone has a surety they can all upon) and too arbitrary for most people who have complied with the conditions placed on them.

d. In Belgium and other European countries community based open accommodation with onsite staff to provide “advice” and support are operated in alternative to detention.