

Submission to the Parliamentary Inquiry into the use of Immigration Detention

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Introduction

1. I am an independent academic researcher working in the asylum/migration field for over fifteen years. Since 2008 I have been carrying out research with people who have been detained and who face re-detention, destitution and deportation.
2. My current research is with former detainees living on Section Four support or who are destitute, i.e. who have no publicly funded support or accommodation. The points made below draw on the testimony of these participants. All names used are pseudonyms.
3. My research has been presented at several academic conferences and an early paper has been published¹.
4. The living conditions of released detainees are the direct result of their detention and are experienced as akin to detention. An Iranian man interviewed in an IRC who had previously been detained, then released and then re-detained told me "It is like being moved from one pocket to another." I hope the Inquiry will consider this submission within its scope.
5. The negative effect of detention on mental health and wellbeing is well documented² and carries over into life after detention. Many former detainees experience depression, anxiety and confusion and have problems interacting, making decisions and developing trusting relationships. Policy makers need to reflect on this reality and plan support packages accordingly.

Support under Section 4 of the Immigration and Asylum Act 1999

6. Section 4 support is claimed to be short-term³ but in practice, people remain on Section 4 for many years. According to Home Office figures there

¹ Klein and Williams (2012) "Immigration detention in the community: research on the experiences of migrants released from detention centres in the UK." *Population, Space and Place* 18(6): 741-753.

² Cohen 2007, Robjant, Hassan and Katona 2009, Hodes 2010, Zimmerman, Chatty and Nørredam 2012, Fischer 2013, Kotsioni, Ponthieu and Egidi 2013, Cleveland 2013, US Hacker et. al. 2011, Coffey at.al. 2010 Steel et. al.'s 2011

³ "Section 4 support is intended as a limited and temporary form of support for people who are expected to leave the UK." Home Office 'Section 4 Key Points of Reference' page 3.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257190/section-4-key-points.pdf

were 4,709 people on Section 4 as of September 2013; this figure is rising and includes men, women and children.

6.1 “There’s no end to Section 4 – there’s another guy he was moved to another house he’s an old man, he was here for more than 10 years - he hasn’t received any decision. He cannot do anything to support his family. Imagine, he’s a Roman Catholic he should contribute something to the church he feels he cannot contribute fully to the community ... they don’t understand.” Jack, East Africa

6.2 Section 4 support provides **accommodation** in shared houses which may also accommodate newly arrived asylum seekers supported under Section 95. Accommodation is outsourced under the COMPASS contracts and is provided by Clearel, G4S and Serco in six regions around the UK. A National Audit Office report⁴ on the transfer from the old contract to the new one found problems in relation to the standard of accommodation and noted the concerns of service users and their representatives. My data, collected from people living in Section 4 accommodation, before and after the new contracts were in place, make frequent reference to poor and overcrowded accommodation.

6.2.1 “The kitchen in my accommodation is not big enough for 4 or 5 people cooking at the same time. I try to find a time when no one else is cooking but every time, I dunno, someone comes to cook... when the people cook different culture, different food. I feel upset when the people cooking, crowded in the kitchen, they shout at each other....” Chen Southeast Asia

6.3 Asylum accommodation is home to a large and transient population. Rooms are often shared and, as people arrive and leave frequently, there is little chance for occupants to arrange ‘house rules’ between themselves.

6.4 **Shared rooms** are particularly difficult for the many occupants. Adults are expected to share private space with strangers and they have concerns about security. This is exacerbated by the frequency and lack of management of movements in and out of the accommodation:

6.4.1 “Sometime the Home Office comes and puts new people and sometime they take people. Some people were arrested by the Police ... In my opinion they should tell the rest of the people about that. For example if they are sharing a room, they should call the people and tell them “Today are you at home? We want to put new people in your room.” It is not very professional ...” Chen Southeast Asia

6.5 Accommodation is overseen by managers who visit only occasionally. Maintaining the fabric and furnishings of the buildings and importantly ensuring **safety** within the houses does not seem to be a priority.

6.5.1 “Now we don’t need to sign – before, every people has a column to sign – that means at least one day they should be there – the manager

⁴ <http://www.nao.org.uk/report/compass-contracts-provision-accommodation-asylum-seekers/>

came to check everything – now they don't do that, now they come to sign instead of us – I don't think they want to manage better – do you know why? Because even though they are friendly, they think this belong to Home Office, the Home Office manage us – They just come and they are gone – even if you are not there they will sign – nobody there they still sign.” Chen Southeast Asia

6.6 The lack of skilful management of accommodation for people who are traumatised, frightened and often disorientated, combines with overcrowding to make a volatile situation actively dangerous. I often hear stories of fights between residents as well as fear of strangers who may gain access to the accommodation

6.6.1 “I don't feel safe – the main door - everyone has a key – the other guy's friends come in and out all the time – I just have my lock on the door. Its so disorganised – no discipline - in the IRC you cannot everyone fight, if you fight you go to prison straight away. In the house fighting all the time – Police come all the time. Last week, fighting with knives – they took them away – the ones who were fighting are gone.” Jack, East Africa

Azure Cards

7.1 The Azure card has been recognised as stigmatising in several reports⁵ and as well as marking people out, it is an inflexible form of payment for people on a low income. It can only be used in specified shops and cannot be used in markets where cheap and culturally appropriate food can be purchased. It does not allow any saving from week to week as anything over a minimal credit balance is wiped at the start of each week.

7.1.1 “Everyone knows its the Home Office, This happened to me last year, I went to a local shop that takes the card, I bought some stuff and I went to pay. He asked me for my ID, I said what kind of ID do you want? Azure card has no place to sign – I don't have an ID I had an ARC card – this is my signature this is my card – it was horrible I was so embarrassed, there was a big queue behind me I said sorry, sorry, sorry – he threatened me, “I'm the manager, go away. These are real customers – you look like dodgy stuff.” Jack, East Africa

7.2 If there are technical problems with the card, claimants can be left with no access to goods until the next week. “... when you try to swipe it – they block everything and then you have to wait for five days you won't be refunded for the Home Office to unblock it If you don't use the money in the allotted time

⁵ Carnet, Pauline, Catherine Blanchard and Jonathan Ellis (2014) “The Azure Payment Card The Humanitarian Cost Of A Cashless System” Policy, Research and Advocacy Department British Red Cross
<http://www.redcross.org.uk/en/About-us/Advocacy/Refugees/Azure-payment-card>

you lose it. ... its happened a few times and they never refund it.” Jack, East Africa

7.3 The preference for using cash is clear and informants have told me that they will give friends groceries as payment for shopping for them with their Azure card. Others will trade the value on the card for cash at the going rate of half the value on the card. These are the very same sort of problems that led to the ending of vouchers for asylum seekers in 2002.

Conditions of release

8.1 The conditions placed on former detainees released on bail or on Temporary Admission can be onerous and it is not clear, to former detainees or to their advocates, why an individual receives the conditions they do. Electronic tagging may be a condition of release and is experienced as stigmatising and unfair.

8.2 Tagging curfews are set apparently at random with people required to be at home for different lengths of time and at different times of the day. In researching the paper Klein and Williams (2012) we found the four tagged informants had very different curfews – one was required to be in the house between 16:00–08:00, another between 22:00–08:00 a third between 20:00–08:00 and the last between 20:00–10:00.

8.2.1 “Someone is tagged in my house – for more than two years – I don’t understand – if you are a criminal they release at the end and give a tag but not more than six months – foreigners can be put on a tag forever – I don’t understand – we are not criminals but we are given more than criminals – they don’t care – foreigners, we can forget about them.” Jack, East Africa

8.3 Similarly, former detainees required to report may report twice a week, weekly, monthly or even six monthly but there is no clarity in how these conditions are set or even on who makes the decisions.

Access to health care

9.1 Former detainees are entitled to primary health care as a minimum. Despite this, former detainees experience trouble accessing health care and registering with GPs. This may be because of obstructions placed by practice staff but can also be because they are moved around frequently and don’t know where to go to seek help.

9.2 In general, former detainees are an unhealthy group and many take over-the-counter medication for chronic pain or insomnia; they are often on medication for depression. Some will have diagnoses of mental illness and be under the care of psychiatrists. The practice of moving migrants from area to area can also undermine ongoing health interventions if patients move to other cities or far from the specialist clinics they were attending.

9.3 Many former detainees, like destitute migrants, rely on humanitarian agencies, such as Doctors of the World, who run walk in-clinics.

9.3.1 “I took some people who have no legal document to visit GP but they didn’t agree – they asked for ID, they have ARC card but they don’t

agree. They go to the walk-in centre but outside London people told me that it is so, so hard to register with a GP and there is no walk-in centre.” Chen Southeast Asia

Non-deportability

10. The issue of the so-called ‘non-deportables’ is well-known and is a Europe wide problem⁶. Non-deportables are ‘unreturnable’ migrants who have not established a right to remain but who cannot be removed to their countries of origin. These people are effectively stateless and include people whose countries have refused them travel documents and who may have been put on planes only to be sent back to the UK. In other cases the Home Office recognises that their countries of origin are too dangerous to return to but they are still not granted leave to remain.

Living in fear of detention, deportation and destitution

11.1 Migrants who are subject to detention, deportation and destitution live in fear of losing the few rights they still have. Most cling to the hope of winning legal appeals (many have strong grounds for appeal) and the live in real fear of returning to their country of birth. The threats of forced removal, re-detention and the loss of the meagre support offered on Section 4 haunts many migrants.

11.1.1 “We not sleeping at night, we don’t know what to do with our life ‘cos we haven’t got nothing we can’t work we can’t go to college. What we can do – I’m just going to kill myself (bangs table) its really bad – its really difficult to think about this stuff – getting crazy.” Ahmed, Afghanistan

11.2 Reporting requirements can be very onerous and all are aware that they may be detained when they attend the reporting centres. From detention they may be deported directly and, as well as facing forced return, they will lose their property left in their accommodation unless someone can collect it for them.

11.2.1 ‘On Wednesday I don’t sleep because I am so afraid because on Thursday I sign on and sometimes they take you away straight from there, and you have your load at home, how will you get that? I sign on, and then I come home and rest.’ Samaran, Senegal

⁶ Paoletti, Emanuela. (2010) "Deportation, non-deportability and ideas of membership." *Refugee Studies Centre, University of Oxford Working Paper Series 65* <http://refugees.medsci.ox.ac.uk/files/publications/working-paper-series/wp65-deportation-non-deportability-ideas-membership-2010.pdf> (Accessed 10.9.2014)

Vanderbruggen, Maaïke, Jerome Phelps, Nadia Sebtaoui, Andras Kovats, and Kris Pollet, (2014) “Point of No Return: The Futile Detention of Unreturnable Migrants” January 2014 www.pointofnoreturn.eu

11.2.2 'This happened to a guy from Algeria – he was there for a year, he went to sign on and they took him away to the centre – never saw him again, they threw all his stuff away. ... one week or two weeks the guy from Ethiopia he moved in. It happens quite a lot. People go with all their documents and some clothes to change when they go to sign on.' Yusuf, Sudan

11.3 The following case study from research carried out in 2014 provides a specific example of the effect that the threat of detention, deportation and destitution has on young people:

11.3.1 Ali and Ahmed, from Afghanistan, came to the UK as unaccompanied children and have been here for the past 6 years. Both have been refused political asylum and are facing deportation to Afghanistan.

11.3.2 Ali and Ahmed are both facing forced return to a country that they only lived in until they were between 13 and 15 years old. They have both experienced detention and fear further detention and forced removal. They have seen their friends detained and removed. Ahmed reflects on his life: "Our life is like – not a human life. We can't move, we can't do nothing, we can't go to college, we can't work – nothing... we are hiding people."

11.3.3 When I last saw Ali he was applying for Section 4 support as his local authority support had been withdrawn. "Two weeks before, they closed my money, I'm not allowed to work ... no money because I'm 21, they take my house, I don't have work, I don't have passport, I don't have benefit – nothing."

A system that is arbitrary and punitive

12.1 Those subject to the process of detention, release, destitution and removal perceive it to be arbitrary and punitive. The needs of migrants are secondary to policy objectives and arguably, to commercial interests.

12.2 The Home Office detains and releases people with no discernible logic. The number of 'Temporary Admissions' granted to people in detention is an example of this and the numbers of detainees released without bail and often into destitution appears to be rising.

12.3 The presumption of the temporary nature of detention and Section 4 support and of the imminence of removal has a corrosive effect on the whole system. An inhumane system is rationalised by the incorrect assumption that the person will be removed 'soon'. When it can be demonstrated that removal is not imminent, the Home Office's response tends to be to blame the migrant for 'failing to cooperate'.

Recommendations

13.1 Policy makers have not considered post-detention support and living conditions carefully enough. Release from detention should be the presumption and should not be delayed but attempting to solve the inequities of detention by releasing migrants without proper support, or means to support themselves, is equally inhumane. **Reform to post-detention support must go hand-in-hand with reform of the detention estate.**

13.2 **Reconsider Section 4 support.** The Azure card is demeaning and a poor use of public funds. Paying eligible migrants cash would allow them to take some control over their financial resources and choose where and how they shop.

13.3 The Home Office should take a more **realistic attitude** to its chances of removing people. It should accept that some people are 'non-deportable', effectively stateless and should be allowed rights to remain on that basis.

13.4 It is inhumane to keep people on Section 4 or in destitution for as long as is currently the case. Neither immigration detention nor Section 4 support is time-limited. Both need to have a **maximum period** and if the individual has not been removed or had their claim adjudicated within a set length of time, for example six months, they should be **granted permission to work.**

13.5 The time currently taken to adjudicate cases would be greatly accelerated if migrants under immigration control had access to good quality, **legal-aided representation.**

13.6 The contracts for providing asylum accommodation, for Section 4 and Section 95, should be reviewed urgently to ensure that required standards take account of the **safety and well-being of occupants** as well as for cost.

13.7 When migrants are detained at reporting centres without warning, they should have the chance to **return to their accommodation** to say goodbye to friends and relatives and to collect their belongings.

Contact and further information

14. For clarification and further information I can be contacted at
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