

Response to the Parliamentary inquiry into the use of immigration detention in the UK, hosted by the APPG on Refugees and the APPG on Migration

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3. I have been visiting Immigration Removal Centres (IRCs) six and a half years and estimate that I have spoken to over 350 detainees. I am currently heading an ESRC funded project looking at the impact of detention and removal on mixed nationality families and I have a PhD from Oxford University, which was focused on the UK's asylum and detention systems. I have been volunteering with Asylum Welcome, a charity supporting detainees held at Campsfield House, since early 2008, and am a member of the Detention Forum and work with a number of other detention-focused groups, including AVID and Bail for Immigration Detainees. I also spent two years working as the Asylum and Immigration Caseworker of Evan Harris MP, whose constituency of Oxford West and Abingdon covered Campsfield.
4. My submission is based on this combination of insights into our detention system. In particular, from repeated conversation and interviews with detainees, their friends and families, support organisations, visitors, solicitors, Home Office representatives, private company personnel running IRCs (from detention custody officers to managers) and MPs.

Recommendations

5. There should be a time limit of 28 days for immigration detention.
6. Vulnerable detainees, including those with health problems (including mental health), pregnancy or torture survivors, should be identified early and not detained. Rule 35 reports should be taken more seriously by Home Office decision makers and hold greater weight than they currently appear to.
7. There should be better judicial oversight of detention, including automatic and regular bail hearings, and quicker initial contact with possible legal representatives.
8. Video linking for bail hearings should be replaced with in-person hearings. Video links are dehumanising and reduce the likelihood of bail being granted.
9. Detention must always be the last resort and for the shortest time, in practice as well as in theory.
10. Alternatives to detention, such as working with migrants in the community, should be properly explored. There are models we can draw from that have worked in other countries.

11. To ensure proper accountability, we need comprehensive statistics about our detention system. This must include data in the quarterly immigration statistics about migrants detained in prisons.
12. Work schemes in IRCs should be paid at the minimum wage. The current wages are exploitative and mean that the system appears to primarily operate as a way of saving money for the companies running such centres.
13. Increases to the detention estate should be halted. Already this year an additional 800 bed spaces have been made through redesignation of HMP the Verne and smaller expansions to existing IRCs. There are plans to more than double Campsfield into a 610 bed mega centre, which would make it one of the largest IRCs in Europe. This is unnecessary. We have more detention spaces than we have ever had, and yet removals are at an all time low. Increasing detention further makes no economic, politic or moral sense.

Introducing a Time Limit

14. One of the most harmful aspects of the detention system is the absence of a time frame for decision-making. Not only because this means that detention can be very long, but because this can only be known in hindsight. People wait for what might be long periods, longing for an end to the waiting, but with little idea when it might happen and fearful of the change it might bring. By being detained indefinitely, without knowing how long for and with the continual possibility of both imminent release and removal, detainees worry that detention will continue forever and also that it will end in unexpected deportation the next morning. They have the simultaneous concern both that there will be sudden change and never-ending stasis. It is the lack of temporal predictability that prevents deportable individuals not only from being able to plan for the future, but also from having the 'stability' of knowing that the present will remain uncertain for a protracted length of time. These are issues that I have written about academically (Griffiths 2014).
15. The Home Office states that immigration detention should only be used when absolutely necessary and for the shortest periods possible. This does not happen in practice. I have spoken to scores of people detained for months or years, including one man who was detained for over 5 years before being released back into the community. His nationality was disputed by both embassies in question and there was little possibility that he could have been removed. Indeed, he eventually won an unlawful detention case, during which it came to light that even after one civil servant admitted to another in an email that he could not be removed, he was held for an additional *six months*.
16. The public made it clear that the extension of detention without charge of terror suspects was not acceptable and so it remains limited to 14 days. Given that we – rightly – do not deem it acceptable to detain criminals or terrorist suspects indefinitely, it is not right that we can do so for people who have committed no crime.
17. These issues are particularly important because research shows that mental health problems are associated with aspects of the asylum and immigration process being simultaneously indefinite and temporary (Mansouri and Cauchi 2007). Psychologists have demonstrated that experiencing time as passing slowly is linked with suffering (Flaherty *et al.* 2005). From my experience speaking with detainees, it was evident that the slowness and uncertainty of the Home Office became highly exaggerated for people in detention, becoming a source of anguish in itself.

18. Indefinite detention is also financially expensive. A time limit will save the tax payer money, by reducing the number of people detained when there is little chance of progress in their case. Evidence from the economic analysts Matrix Evidence shows that the UK wastes £76 million a year on long-term detention of people who are eventually released. This includes the large amounts paid as compensation for unlawful detention (£12 million in 2009-10). Identifying and releasing people who cannot be returned would mean that vast amounts of money could be saved, without reducing the number of people returned.¹
19. Without a time limit, the Home Office too often drags its feet making decisions and allows people to remain in detention for months on end, with very little evidence that there is any progress or change. A time limit will force more efficient decision making and case management, which is better for the tax payer as well as detainees.
20. The introduction of a time limit to detention would bring us into line with the rest of Europe and ease the suffering of detainees. I would call for an immediate end to the indefinite nature of the system through the introduction of a 28 day time limit. This is achievable. Removal and deportation processes can be initiated *before* people are detained, for example whilst prison sentences are being served. The massive reduction in the number and length of time that children are detained also demonstrates that this is possible if there is political will.
21. France had a time limit of 28 days until recently. It was increased to 42 days two years ago but statistics show that increasing the limit had little impact on numbers of removals from detention. Evan Harris MP and others on the Joint Committee on Human Rights suggested 28 days as a time limit on detention in their 2007 report.

Health problems

22. There is much evidence to show that detention is harmful for people's mental and physical wellbeing (Coffey *et al.* 2010, Gatwick Detainees Welfare Group 2012, Robjant *et al.* 2009). Studies have demonstrated high rates of mental health problems or self-harm amongst detained asylum seekers (Jesuit Refugee Service 2010), including in comparison to other high risk populations, such as prisoners (Cohen 2008) or asylum seekers living in the community (Robjant *et al.* 2009).
23. The vast majority of people I spoke to in detention complained about pressure and stress, of being afraid of other detainees and their future, of insomnia, headaches or of 'thinking' too much. They spoke of detention as a dehumanising experience and suspension of life. The impact often continued after release from detention.
24. For example, Jonas was a man in his 30s who was detained for 14 months following a prison sentence for fraud. I originally knew him when he was detained at Campsfield, but spoke to him in person in Oxford shortly after he was released on bail. He said that being detained was 'just like being dead, just dead.' He had stopped eating in detention and described the other detainees as zombies striving for bare survival. He said he had been too afraid to leave his house after release and had to slowly re-learn how to do everything – from taking a bus to communicating with his family. In fact, like others, he found the transition too difficult and his relationship broke down shortly after his release, leading to estrangement from his partner and children.

¹ Matrix Evidence, *An economic analysis of alternatives to long-term detention*, January 2012

25. Our Courts have repeatedly found our detention system to cause inhuman or degrading treatment to vulnerable people. In the last three years, the High Court has judged the detention of six people with mental health problems to be problematic enough to meet the high standard of breaching Article 3 of the European Convention on Human Rights, on the prohibition on inhuman or degrading treatment.
26. There is an unacceptably high number of deaths in detention, often in very unclear circumstances. The tendency for witnesses to these events to be removed or transferred means that it is often difficult to obtain independent accounts of what happened. The recent tragic death of Bangladeshi student Rubel Ahmed at Morton Hall marked the 22nd death in immigration detention since 1989.² The rate of self harm is much higher.
27. Detainees almost always complain about health provision in IRCs. They feel that they are not taken seriously and that they are fobbed off with paracetamol no matter what their complaint. Those with existing health conditions often say that they are not given their medication on time or that the on-site doctors do not know the details of their conditions.
28. The system for identifying and releasing vulnerable detainees needs drastic improvement. I have met many vulnerable and ill detainees, including dozens with torrid scars all over their bodies from what seems like torture. Many say that they were not asked about being tortured or to show their scars when they arrived in detention. Rule 35 forms seem to make little difference to people's cases. Where they are completed and submitted to the Home Office, they seem to be dismissed out of hand, including on the basis that they do not constitute independent medical evidence, raising the question as to what point they serve.

Arriving in detention

29. People's experience of the detention system does not begin once they are detained, but from far earlier, affecting their lives and those of their friends, families and wider communities. Migrants have friends and family disappear into the detention system. They know that they may also be detained and the fear can prevent them from accessing services they are entitled to or using public spaces or transport in case they are questioned. Reporting to the authorities is a particular point of high stress for most and can seriously impact on their lives. People I spoke to said that they couldn't sleep or concentrate on anything when they had a reporting session approaching. Some would pack up their possessions in case they didn't come back. The impact of this affects whole communities and families, not just the individual.
30. Being detained is a long, frightening and disconcerting process. 'Dawn raids' at people's homes, being detained when reporting or work place raids are all very traumatic events.
31. Many people complained to me that once apprehended they were held for many hours in police stations, given no information about what was happening, and deprived of sleep and sustenance.

² See <http://www.irr.org.uk/news/deaths-in-immigration-detention-1989-2014/>

32. People often arrive in detention without their possessions. This makes it very difficult for people to fight their cases (e.g. when their documents are left behind), as well as being distressing, especially if they are removed before being reunited with their possessions. Some people find that their landlords (including those subcontracted by the Home Office) simply dispose of their possessions after they have been detained. It is unclear who is responsible for reuniting detainees with their possessions (e.g. Home Office, police or private IRC companies), meaning that the exorbitant costs fall on friends/family or charities, or – more often – mean that detainees cannot get their items and documents back.

The Home Office

33. In my experience detainees have very little to say about the Home Office that is positive. They find decision-makers to be rude, unobtainable, inefficient and unhelpful. Personnel at IRCs have no real decision making capabilities, whilst those that actually have the power to make decisions are difficult to get hold of. Detainees complain that phones and faxes go unanswered and that caseworkers do not have answerphones by which to leave messages. Detainees say that they are given no information about why they are detained or what is happening in their cases. Their monthly detention reports often are the same each month, except for the date.
34. Inefficiency and poor Home Office decision-making is also noted by others, including charities. In a joint report in 2012, Her Majesty's Inspectorate of Prisons and the Independent Chief Inspector of Borders and Immigration also criticised Home Office use of detention.³

Activities and facilities

35. There appears to have been a reduction of the programmes and classes offered to detainees. Those who have previously been in prison note the contrast between training and education provision in the latter, with the dearth of opportunities in IRCs. Those held in detention for long periods are particularly likely to suffer from boredom, which contributes to people saying that they have nothing to do other than think and stress.
36. Detainees routinely complain about being unable to sleep, because of the stress. Increasing the number of beds in rooms (as has happened this year across a number of IRCs) increases the stress, noise and tension.
37. There needs to be adequate outdoor space. Those centres that have some risk losing it (e.g. Campsfield if expansion plans go ahead) and in the higher security IRCs, detainees have very little access to such spaces.

Alternatives to immigration detention

38. Most of the people that I speak to in detention are refused release on the basis of apparently being an absconding risk. There appears to be little individualised reason for such arguments. Indeed, some people refused on these grounds have always respected reporting arrangements, often for many years. The result is little

³ Independent Chief Inspector of Borders and Immigration and HM Inspectorate of Prisons, *The effectiveness and impact of immigration detention casework*, December 2012\

confidence that detention decisions are based on personal circumstances. Similarly, people complain that they get the exact same monthly detention report, with nothing but the date on the letter changing each month. This is extremely demoralising and contributes to people's sense that there is little progress in their cases.

39. There is little evidence that the risk of absconding is justified. Research by the Bail Observation Project has shown that claims at bail hearings that someone will abscond are often made without any evidence (Bail Observation Project 2013). However, even if there were absconding risks, this can be managed in the community with support organisations.
40. The charity Detention Action is doing important work piloting a model of community support for ex-offenders. They are showing that ex-offenders do not abscond or reoffend if given support, meaning that detention of many people (especially when they cannot be removed) is not necessary. The importance here is on close case management and support, such as training, through which people can develop skills and confidence.
41. There are examples from other countries that show that in-community work with migrants can work effectively, at far lower cost than immigration detention. For example, Australia introduced alternatives to indefinite detention in 2006, through which case officers work with people living in the community. This programme has a very high compliance rate and high levels of voluntary return. It is much cheaper than detention.

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