

# Inquiry into the Use of Immigration Detention: written evidence submitted by Duncan Toms, Scottish Detainee Visitors committee member and visitor

## 1. Summary of my experience relating to immigration detention and detainees.

I have been visiting Dungavel IRC twice a month for about four years as a volunteer with Scottish Detainee Visitors offering social and emotional support and practical assistance to detainees. I started doing this because I had become increasingly aware that they are a vulnerable group in difficult and isolated circumstances with severe limitations on their rights and a limited ability to speak for and help themselves. Over the past four years I have met and spoken with well over two hundred detainees from a wide variety of backgrounds and circumstances and made lasting friendships with a number of them. As well as visiting, talking with and befriending detainees, I have regularly supported them as a member of SDV in other ways such as contacting and giving lifts to family and friends, liaising with solicitors, retrieving belongings and delivering them to Dungavel, supplying them with items such as phone cards/clothing/magazines/DVDs/cosmetics/emergency £20 on removal from the UK, attending court hearings and occasionally accommodating them overnight subsequent to their release.

## 2. Detainees' views

I have recently discussed the Parliamentary Inquiry into Immigration Detention with a number of detainees and former detainees but most of them felt unable to write up their own evidence or were nervous about submitting evidence directly to the inquiry, although one detainee did send me his points in writing (see section 3 below) but did not give me permission to include his name. It should also be borne in mind that those worst affected by detention are often less likely to want to meet with strangers and talk about their experiences. I have, however, recently had separate discussions with twelve detainees and former detainees about the terms of the inquiry and have summarised their main points under the following three headings:

- a. **Indefinite detention.** They all felt that the worst feature of detention in the UK is that it is indefinite. This causes considerable mental stress due to not knowing when you will be released to get on with your life whether in terms of family and personal relations or in terms of educational, vocational and employment plans. It also makes it very difficult to take an interest in or focus on the future or anything else, so the mental stress feeds on itself and gets worse the longer detention continues. All too often the only 'remedy' on offer for deteriorating mental health within detention is medication. If, despite its unfairness, detention is retained, they felt it should be applied only to cases of imminent removal, exclude vulnerable groups and be restricted to a month or two at most. Facilities for education, training, hobbies, interests and leisure activities, and also the variety of food, need to be improved especially if people continue to be subjected to longer periods of detention.
- b. **Criminalisation and access to justice.** They expressed particular resentment at the way detention criminalises them both in their own eyes and those of the public at large. In fact they have much less access to justice and the law than those who commit actual crimes. The latter cannot be detained for any length

of time without being charged and given a fair trial and, if found guilty, given a specific sentence. But the immigration authorities can detain people indefinitely and more or less arbitrarily, effectively deeming them 'guilty' without recourse to proper legal procedures. This is made worse by the seemingly arbitrary way in which the immigration authorities and courts operate, often treating very similar cases very differently and all too often ignoring their own rules and regulations in terms of who can be detained and for what reasons. Whereas bail is readily granted in the regular courts unless there is a danger to the public or definite evidence that the alleged offender is likely to abscond, bail is regularly refused in the immigration courts purely on the grounds of Home Office assertions that the individual might abscond when there is no evidence at all to suggest that is likely to be the case. This is especially upsetting and unfair when the detainee has been in detention for some time and the Home Office, for whatever reason, has been unable to remove him or her. Overall they felt that access to legal advice, interpreters, solicitors and the justice/legal system generally needs to be greatly improved.

- c. Culture of disbelief and disrespect.** They are particularly angered, frustrated and perplexed by the immigration authorities' apparent default position of treating almost everything they say with suspicion and disbelief, often accompanied by varying levels of disrespect for them and what they might have been through. Their statements are invariably subjected to the sort of detailed scrutiny, comparisons and assumptions which no normal person could withstand even in less difficult and stressful circumstances. One of the most insidious effects of this is to devalue and belittle family and personal relations as the immigration authorities seek to cast doubt on their relationships in order to undermine their case for being allowed to stay in the UK. This serves to further aggravate the already serious stresses and strains to which indefinite detention subjects family and personal relationships.

### **3. Statement from a former detainee** (emailed to me on 21.09.14)

Thanks for considering me, I will hereby mention few major points in brief which happened to me,

1. I been in detention from August 2012 to December 2012 in that period my case was pending,  
on first day at Dungavel Detention centre all detainee stay first night in different rooms not with other detainee who are already there, well on first evening I received phone call on landline telephone which as in room already, there was gentleman naming himself solicitor and he as almost all my information that I am new here and I want to get bail etc, well he was very confident and he convinced me to pay £2000 in his account for temporary bail, and he asked my mobile number to text all bank details and address, next day my wife arranged money and paid in his account but after that he stopped attending my call, and he robbed our money,

this was already happened with someone else as well, and I was the second victim and I raised this issue with authority of detention centre and they asked few details and made internal investigation may be, after all this again some other guys were being called by someone for bail money. the point is detention staff should take some proper steps to stop all this and can save others,

2. Solicitors in detention they all just doing their business and just earning money because even they know that few cases they cant be success to resolve but they will take the case and apply straight away for legal aid, they don't tell the real picture of case that how much can go in applicant's favour, and they don't much stay in contact after that if u lucky to speak with firm but most of time u cant talk with ur solicitor because he is in courts everyday, and no one is there who ask them how many time u applied legal aid and case is refused many time on same point but still they keep getting signatures and apply for bail,

3. Staff is very cooperative and helpful in all issues, I had few mental disturbance and anxiety and stress issue so nurses and other staff is cooperative to give extra care and emotional support.

4. facilities are good, and some educational course are their but they are not much good enough or reliable, if they start any technical trainings which can be very beneficial for detainee because when they go out at least they can get a proper job or start their own little business, like Mobile repairing courses, proper barber training, some management courses, retail courses etc

5. Last but not least I will must mention Detainee visitors who come twice every week, which is remarkable service, they come on their own initiatives and spend quality time with detainee especially who have no one to visit, they provide others supports as well like mobile top ups , luggage delivery, pick & drop families and friends from any distance to detentions centre, make arrangements to keep families of detainees at their house, which all favours were given me,

due to lacking of time only could write this

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