

**FRIENDS WITHOUT BORDERS**  
(formerly Haslar Visitors Group)  
Befriending Asylum Seekers and Immigration Detainees



The Rt Hon Sarah Teather MP  
House of Commons  
Westminster  
SW1A 0AA

29 September 2014

Dear MS Teather

Thank you for your invitation to submit to the detention inquiry. We very much regret that we are severely understaffed and under resourced but nonetheless put forward our submissions for perusal by the inquiry.

We also enclose a brief snapshot spreadsheet on detainees we saw over a two week period on health problems since being detained – if these were pre-existing and if new problems arisen and old ones exacerbated. Satisfied with healthcare and DDA, if they encountered difficulties in detention and if these were physical, emotional or mental and finally if their detention had impacted on family and friends.

There are two testimonies herewith one from a current detainee and another from an ex detainee.

I am also willing to give personal testimony.

Thank you

Yours sincerely

Anne Dickinson  
Coordinator



# Friends without Borders

Befriending Asylum Seekers and Immigration Detainees

## CURRENT CONDITIONS WITHIN UK IMMIGRATION DETENTION CENTRES.

1. UK immigration detention centres are places full of hidden people. The detention system is in permanent expansion – from 250 places 20 years ago to over 5000 now. This means an expansion of hopelessness, despair, criminalisation and voicelessness for mostly harmless individuals. The narrative of the state is increasingly the only narrative on the table as legal services are beyond the reach of detainees. A culture of disbelief pervades the Home Office. Detainees are unable to challenge this. The work of the Independent Asylum Commission refers.

2. There are many shocking examples of this culture of disbelief. One is the sexual exploitation of women in Yarls' Wood IRC. The women were constantly disbelieved and their testimony disregarded over a long period. Another is the deaths of Brian Dalrymple and Alois Dvorzac in the London detention centres. Here, an uncaring system failed; warnings from external parties were disregarded. These are examples of a system riddled with disbelief and indifference

3. In dealings with people held in immigration detention in Haslar IRC, Coordinators and visitors have countless times come across people who have told us their stories, yet they have been ignored by the Home Office.

Case No.1 An Indian, Mr Sachin Jundale, studied in the UK and then decided an MBA might add to his professional profile. He sought an extension of his visa and approached a solicitor to help him. His advisors were not what they seemed. They took his money and acted against his instructions. When Mr Jundale found out what was happening, he went to the OISC who successfully prosecuted the advisors.

Meanwhile the Home Office detained Mr Jundale as he now had no basis to stay in the UK. The first attempt to send him home failed because his passport had been lost. The Home Office stated the reason for failure was that "he had refused to get on the flight". He was adamant that was not so. Despite him having spoken to NRC Croydon, the Home Office account stood. Our Coordinator contacted NRC, asked if the passport had been located, could they send Mr Jundale home and could they amend the immigration record. They amended the record to read that he did not fly "as Tascor had misplaced his passport". They had repeatedly ignored Mr Jundale.

When given a new flight, Mr Jundale was pleased to be going home. However, he objected to the Home office documents which labelled him as an Immigration Offender. He maintained he had acted with integrity throughout. He had sent the OISC letters as evidence to the Home Office; he had brought to book a criminal, yet he was ignored. He was concerned this label might stand against him in future if he wished to travel. This type of arrogant behaviour is not uncommon.

Case No.2 Mr Arefin Rahman from Bangladesh. His family sold land to raise £4,800 get him to college in UK. The Home Office issued the visa for him to attend the sponsoring college. After a month and a half of the first term, his college was blacklisted and closed. He was left with the mess. An offer was made that he could transfer to a new college if, within 14 days, he paid a further £2,000. His family had scraped and sold assets to send him to college in UK and a further £2,000 was not possible. Mr Rahman was detained for 11

months. Five tickets for to send him home were cancelled by Home Office. His mother has refused to speak to him, believing him to be a criminal as he was locked up for so long.

4. There are many students who go through this. They are ripped off; detained and then dumped home without the qualification they sought; with their families distraught; with their career prospects ruined, their dreams shattered and an immigration history that is unfair and ruins their chances elsewhere. Some see it as being due to their particular faith. The Home Office is sowing very bitter seeds, causing frustration and anger.

5. IRC contractors vary, with some making efforts to ameliorate the effects of detention. Whilst we applaud such efforts, the system is the problem. Haslar IRC is stated in official reports as one of the “better” IRCs. No matter how much effort is put into providing activities, or how well staff engage with detainees, the fact is that detainees are deprived of their liberty, a basic human right, without redress or necessarily having committed any criminal offence. If they have committed an offence, they have already served any prison sentence for it. Responsibility for the arbitrary nature of decisions to detain, to maintain detention or to release, to hold in a prison rather than an IRC lies with the Home Office. The detainee has virtually no opportunity to challenge any of these decisions. If he tries, he is usually disregarded. There is no effective oversight of Home Office decisions and Home Office narratives.

6. The conditions prevailing in any detention centre exacerbate existing mental health conditions and create new mental health disorders where none previously existed. The isolation, feeling of helplessness, lack of any time limit to detention and uncertainty over the future all contribute to this. The detention centre rules make an effort to ensure that all are medically screened for vulnerability on arrival. However, it has been well documented that these medical reports are routinely ignored. In Haslar IRC, some detainees, such as those diagnosed with Schizophrenia and serious Personality Disorders, are usually given medical monitoring and get help from the Gosport War Memorial Hospital. However the “middle range” of mental health - such as trauma, anxiety, PTSD, stress, panic attacks etc seem to get no help at all. The inadequacy of mental health facilities are noted in the latest HMIP inspection report on Haslar (S.18, 2.85 and 5.42/43) For Syrian detainees and others like them, who have witnessed unspeakable horrors, there is no help. Quote “I feel like there are ants crawling inside my head”, “I don’t sleep very well – I have bad dreams, I feel I am being strangled, I see things from Syria” ... “I went to healthcare and they told me they can’t help me with that”.

7. There is no justification for long term detention. Case No.2 has already been quoted.

Case No.3 Mr H a Tamil student from Sri Lanka, whose college was closed 4 months after his arrival in UK, has already been detained for almost 14 months. He has no criminal convictions, but applications for release have been refused on the basis of the Home Office statement that “there is reason to believe that he will not comply with conditions of release.”

Case No.4 Mr J, an Iranian who had been in UK for some 40 years and has family here. He served a 3 ½ year prison sentence was then held in immigration detention for a further 3 ½ years. HMIP report S32 and recommendations 5.1, 5.8 and 5.9 refer. There is no justice, nor is it lawful to detain people for long periods when there is no realistic prospect of early removal.

## DETAINEES' ACCESS TO ADVICE AND SERVICES AND IMPROVEMENTS THAT COULD BE MADE.

8. Immigration detention is not dependent on any judicial process. It is deprivation of liberty under Immigration Act Powers. The first priority of a detainee is how to get released. For this, most need legal help. Without proper legal help the detainee is left powerless and voiceless against the might of the state.

9. Some legal advice providers are not very professional in the way they treat clients. As a small organisation we are not able to gather comprehensive statistics. We know that many detainees wait weeks to see a legal adviser, which is unacceptable. When a detainee signs a letter of authority, the advisor often does not leave a card showing his/her name and number. The person he sees often takes a few details and passes these on to someone else in the company. The detainee's case may then be passed on through three or four different people. Meanwhile the detainee does not know if anyone is doing anything for him as no-one seems to have taken responsibility for it. We receive fairly regular reports of this. It is NOT infrequent.

Case No.5 Mr S from Bangladesh got to the third advisor, who said he knew one of the detainee's relatives and so could not help due to conflict of interest. He passed him to a fourth who did nothing. Six weeks had gone by and he still did not know if the company were taking his case. He only got legal advice when he was moved to another detention centre and saw a different provider.

Case No.6 In November 2013 we saw Mr D, a young man who was not sure of his age, but remembered his parents saying he was born in 1996. His DDA provided immigration solicitor took no notice. We spoke to the solicitor who was very scathing, said he could not be less than 23 and said we should leave him to do his job. We took seriously the possibility that a minor was being detained. We spoke to the Refugee Council Children's Panel who referred us to an age dispute solicitor. The detainee was eventually assessed to be a child of 16.5 years. NOT good service from the DDA who ignored a minor.

10. Apart from an initial asylum claim and application for bail, there is now virtually no legal aid available in asylum or immigration cases. As the great majority of detainees have little money, they are deprived of any legal help in challenging Home Office decisions. They have limited understanding of the English legal system, and often little English, so a very vulnerable section of the population is being denied access to the courts and to justice. The Home Office view of their case goes unchallenged when, in many cases, obtaining a favourable decision is, for the detainee, a matter of life and death. Young adults are particularly vulnerable as, in this country, they lack family support for the first time in their lives. Those suffering from mental health problems also suffer even more than most as they are, inevitably, less capable of managing the complexity of submitting an appeal or further representations in the UK and in a foreign language. HMIP Report S.18, 2.85, recommendations 5.42, 5.43 refer.

11. The standard of the service could be improved by the systematic monitoring and oversight of Detention Duty Advisers and the contracted companies. This must be supported by feed back from the detainees who have sought advice, and by following up what they say.

The overall shortage of free advice and help can only be improved by a significant relaxation of the rules on access to legal aid. This is especially important in appeals, further representations and judicial reviews.

#### HOW FAR DOES THE CURRENT DETENTION SYSTEM SUPPORT THE NEEDS OF VULNERABLE DETAINEES INCLUDING PREGNANT WOMEN, DETAINEES WITH A DISABILITY AND YOUNG ADULTS?

12. The current detention system and the way in which it is implemented effectively ignores the needs of vulnerable detainees including pregnant women, detainees with a disability and young adults. We see numerous instances of Rule 35 reports being ignored. Detainees who are clearly distressed and in desperate need of help are being left to fall apart. HMIP report recommendation 5.43 refers.

Case No.7. Mr F, held in Haslar IRC, was assessed as having very poor sight – in lay terms nearly blind. He was given a leaflet on disability. When reminded that the detainee could not read this, the response was someone should read it for him. Same gentleman was handcuffed in Specsavers. The facilities, training and understanding of disabilities in Haslar was reported by HMIP in their recent report as inadequate (2.29 refers). The detention centre staff were unaware of disabilities among their detainees (HMIP report 2.27 refers).

13. We work with asylum seekers in Portsmouth and know of two ladies who had been detained. Both left detention with traumatised children and one pregnancy miscarried at a late stage.

14. The special needs of young detainees are routinely ignored. Their needs have already been mentioned in paras 9 and 10 above. HMIP report and recommendations show that there is little consultation with them and that insufficient attention is paid to their needs. HMIP Report 2.29 and recommendations 5.15, 5.16 and 5.60 refer. Young detainees report in prisons they are accommodated with fellow under 21's. Not so in the IRC.

15. To the question “how far does the system support the needs of vulnerable detainees”. The answer is that it does not. In an IRC educational facilities, a gym and outdoor events such as football help to pass the time. They provide some amelioration of detention conditions and, as such, are welcome. Education facilities are well organised and better suit the less well educated. For the better educated, there is little, bar the library. These facilities must be viewed against the overall background that detention is a loss of liberty which, in many cases, cannot be justified.

#### THE WIDER IMPACTS OF IMMIGRATION DETENTION ON INDIVIDUALS, FAMILY, SOCIAL NETWORKS AND WIDER COMMUNITIES

16. Individuals routinely suffer from depression which becomes increasingly severe as the length of detention increases. Staff in IRCs regard this as inevitable. Major contributions are isolation and the indefinite length of detention in the UK. Detention centres tend to be located in places that are difficult and often expensive for families to access, particularly from London. Examples are Haslar in Gosport (train, ferry and taxi), The Verne in Portland (train and bus/taxi). Transfers to a Centre nearer to a person's family are possible but

difficult to achieve in practice. Families are torn apart by long separation and inability to visit. They may never recover their cohesion. Ex-detainees may never recover their health.

17. The family member detained is often the only wage-earner and the only one who speaks reasonably good English. Wives are left to struggle with the benefits system and look after children on scant resources. In many cultures, the man is the dominant figure in a family and his removal can be devastating. Families can and do fall apart if one member is held in detention for a long period.

18. If a person is deported after detention, he may be regarded as a criminal on return to his country (see Case No.2 above). He may be rejected by his family. If he has come here to gain a qualification, at considerable expense and sacrifice to his family, but has not completed his course because the college's license is withdrawn, (Case Nos. 1, 2 and 3 above) he will feel that he returns in disgrace. His whole career and life will have fallen apart and he may have no second chance. Some feel so mortified at failing their families that they may even take their own life. Others may have borrowed money to come to UK and be seriously ill-treated if they return unable to re-pay the loan.

19. The failure of UK authorities to make provision for those who, through no fault of their own, find themselves without a college, is damaging to this country's reputation abroad. A typical quote is "I never thought something like this could happen to me in the UK."

20. Removal of partners of British citizens following immigration detention also causes considerable stress and leaves families torn apart by a totally uncaring system.

Case No 9 Mr E, from Nigeria, is being deported despite having lived in England for over 30 year and having a British wife and 2 British children. He has made his own submission, enclosed with this one and an account of how he feels his immigration case has been treated.

THERE IS CURRENTLY NO TIME LIMIT ON IMMIGRATION DETENTION – IN YOUR VIEW WHAT ARE THE IMPACTS OF THIS.

21. The uncertainty over how long a person is going to be detained is a major factor in cases of depression. If someone has a prison sentence, he knows how long he will be held. A detainee has no clear end date. There are very few countries, other than the UK, which do not have a legal time limit to immigration detention. Lack of a clear time limit exacerbates feelings of isolation and causes deterioration of existing health conditions. It can lead to mental scars that remain with people for the rest of their lives. As detention is only lawful for the purposes of removal, it should become clear quickly whether or not early removal is possible and a time limit should be feasible. For those with a criminal background, release is often refused on the suggested grounds that the detainee might pose a danger to the public. Release from prison is not refused for UK criminals. Detainees, who have already served their sentence, should not be refused release except in very exceptional cases.

ARE THE CURRENT ARRANGEMENTS FOR AUTHORISING DETENTION APPROPRIATE?

22. No. Detention is regarded as a routine decision. It is NOT a decision of "last resort" which is its purpose in law. For anyone who has been serving a prison sentence, detention

follows almost automatically. Potential danger to the public is routinely used as the reason. The enormous expansion of detention places over the last 20 years does not reflect a great increase in the numbers of asylum seekers or immigrants, but is due to a change in attitude in the Home Office and the desire of politicians to “look tough”.

23. A return to the use of detention as a decision of last resort would dramatically reduce the number of detention centres needed; save the country a large sum of money; and reduce the trauma and devastation of a large number of families. It would spare a large number of people the suffering of mental and medical illness that destroys their and their families’ lives and costs the NHS much time and money. To achieve this would need rigorous control of all decisions to detain and a high level policy directive that detention is only to be authorised as a genuine “last resort”.

#### WHAT ARE THE WIDER CONSEQUENCES OF THE CURRENT IMMIGRATION DETENTION SYSTEM, INCLUDING ANY WIDER FINANCIAL/SOCIAL IMPLICATIONS.

24. Many of the wider consequences of the current system have already been covered in the above paragraphs. For those who have been working legally, it leads to the loss of a job, with the result of not being able to meet commitments such as rent and utility bills, leading to debt, family unhappiness and stress.

25. The social implications are that wider family and friends do not understand and tend to reject them, families are unable to maintain their social status and contacts, children lose their friends and are unsettled and family break up too often follows.

#### HOW EFFECTIVE ARE THE CURRENT UK ALTERNATIVES TO DETENTION (e.g. BAIL AND REPORTING REQUIREMENTS). ARE VIABLE ALTERNATIVES TO IMMIGRATION DETENTION IN OPERATION IN OTHER COUNTRIES

26. Bail and Temporary Release could provide a viable alternative to detention, but only if the person released on these terms was given permission to work, a National Insurance number and a reporting regime that enabled him to hold down a regular job. Without these changes bail and temporary admission, even with NASS support, do not provide a viable alternative. The loss of dignity of being unable to support himself or his family and the frustrations of being able to do nothing productive or worthwhile are degrading and destructive of morale and mental wellbeing.

27. It would also be necessary to ensure that a decision on the person’s future be made in a reasonable time to ensure that a further long period of uncertainty and insecurity does not have to be endured, leading again to further mental stress and deterioration.

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