

**Parliamentary Inquiry into Immigration Detention**  
**All Party Parliamentary Group on Refugees and All Party Parliamentary Group on Migration**  
**Submission from Glasgow Refugee Asylum and Migration Network (GRAMnet).**

**Main points**

- Where detainees are moved from one detention centre to another, their ability to access services such as legal advice and pastoral support can be seriously compromised.
- Moves from Dungavel IRC, South Lanarkshire, Scotland to removal centres in England and Wales can add to the difficulties detainees face when applying for bail because of differences in the Scottish legal system, including a separate legal profession, legal aid funding body and higher courts system.
- Where people are detained, their friends, family and support networks face significant challenges as they try to support detainees. The anxiety which community groups experience increases the general sense of powerlessness that people already feel about their own lives, asylum seekers or not.

**Introduction**

1. Glasgow Refugee Asylum and Migration Network (GRAMnet) <http://www.gla.ac.uk/research/az/gramnet/> is based in the University of Glasgow and its members and partners include academics, members of community groups, statutory and public bodies. GRAMnet promotes joint working and collaboration in the area of asylum and migration. GRAMnet's partner organisations include bodies which have made or intend to make their own submissions to this inquiry, such as Scottish Detainee Visitors, Scottish Refugee Council, Bridging the Gap, as well as individuals.
2. GRAMnet welcomes this inquiry. Like others, we are disturbed by instances of the UK detaining people unlawfully. We also call for the UK's practice of detaining migrants indefinitely to end. Thank you for the opportunity to make this submission.

**Views on current conditions within UK immigration detention centres**

3. For the former detainees with whom GRAMnet and its partners work, the experience of being detained usually starts at Dungavel Immigration Removal Centre in South Lanarkshire. While the experience of initial detention is invariably traumatic, this can be alleviated where good lines of communication with support networks, including legal advice, are established and maintained.
4. GRAMnet's partners and members are in contact with former detainees who have experienced problems associated with detention, including:
  - Administrative errors and being given inaccurate information: a detainee was about to be removed when he noticed he had been given the wrong identification papers.

- Delays in getting essential medication; losing personal effects, including clothes and personal items. These factors can add to the powerlessness felt by detainees.
  - Not being told about important phone calls from legal representatives, and delays in receiving letters, faxes and other communications.
  - Being unable to get help from their legal representative in Scotland following a transfer, and problems in accessing legal advice in England and Wales.
  - On release, confusion about what is happening next, and travel difficulties: a young female detainee understood she was about to be removed, when she was being released. A family had to return to the detention centre from which they had just been released because it was too late to travel. A young man was detained in Scotland, having arrived by ferry from Northern Ireland, en route to his family in London. On release, rather than liaise with his family, he was returned to Northern Ireland, and given tickets to travel from there.
5. Being moved from one detention centre to another can result in detainees losing contact with their legal representative, as well as their support network. This increases detainees' feelings of powerlessness and disorientation. It also compromises, and potentially frustrates, detainees' ability to protect their fundamental rights.

#### **Are the current arrangements for authorising detention appropriate?**

6. Immigration law operates throughout the UK, but parts of the justice system available to detained migrants are different in Scotland. These differences include: the Scottish Legal Aid Board, responsibility for which is devolved to the Scottish Parliament and the Scottish Government <http://www.slab.org.uk/about-us/> and a separate legal profession (solicitors and advocates). As in the rest of the UK, bail applications are heard at the Immigration and Asylum Chamber of HMCTS' Tribunals Service, but the Court of Session has a supervisory role in relation to the decisions of the Tribunals Service in Scotland. Judicial reviews therefore operate differently in Scotland. These differences complicate the situation faced by detainees when they are moved from one detention centre to another.
7. Dungavel IRC is the only detention centre in Scotland, but most removals are effected from airports in England. So detainees are often moved from Dungavel IRC to a detention centre in England prior to removal. GRAMnet is aware of situations where Scottish solicitors have had difficulty getting bail hearings in Scotland, or getting paid by the legal aid authorities, because their clients had been transferred to detention centres in England, even though they had originally been directed to live in Scotland under the Home Office dispersal scheme, were long term residents in Scotland, and had cautioners (sureties) who were resident in Scotland. Protocols between relevant parties could be established to minimise any adverse impacts which such moves have on immigration detainees.

8. The effectiveness of bail hearings should be regularly reviewed. Relevant factors include:
  - Video links: A detainee who appears via video link does not seem to be on an equal footing with other participants in the hearing, particularly where poor quality pictures of the detainee appear in the hearing room, and where the detainee has difficulty seeing and understanding the proceedings.
  - Reasons: For detainees, decisions to authorise their detention, can be taken for reasons which seem unfathomable. Full reasons for continuing detention should always be given.
  - The relationship between transfer from one detention centre to another, and the ability of a detainee to apply for bail.

**What are the impacts of immigration detention on individuals, families, and social networks, and wider communities?**

9. Detention distresses detainees, but it also distresses their friends and family, and makes them feel insecure and helpless.
10. For community groups, having a friend detained increases the general sense of powerlessness that people already feel about their own lives, asylum seekers or not.

**Recommendations**

11. The arrangements for transferring detainees from one detention centre to another should be reviewed with a view to exploring the impact existing arrangements have on the period for which migrants are detained and their ability to protect their fundamental rights.
12. For migrants detained in Dungavel prior to transfer to another detention centre, any additional impacts which differences in the justice system available to detainees in Scotland have on such moves should also be explored, with a view to establishing protocols between relevant parties.
13. Full reasons should be given (1) for continuing detention and (2) when the decision is taken to move a detainee from one detention centre to another.
14. The implementation of the bail measures in the Immigration Act 2014, including those which require “a material change in circumstances” before a further bail application can be considered, and those which restrict release from detention where removal is set to take place within 14 days, should be carefully monitored.