

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

September 2014

Submission by the Independent Monitoring Board at Harmondsworth Immigration Removal Centre
HarmondsworthIMB@gmail.com

About the Independent Monitoring Board at Harmondsworth Immigration Removal Centre

1. Every prison and immigration removal centre (IRC) has an Independent Monitoring Board (IMB) made up of members of the public from the community in which the prison or IRC is situated. IMB members have access to all parts of the establishment they monitor and to all its records, and can speak to any prisoner or detainee. They are unpaid volunteers who are appointed by ministers – in the case of IRCs by the Minister for Immigration. This IMB monitors the Harmondsworth Immigration Removal Centre, near Heathrow. The IMB is specifically charged to:
 - a. Satisfy itself as to the humane and just treatment of the detainees held in the centre.
 - b. Inform promptly the Minister for Immigration, or any official to whom he has delegated authority, any concern it has.
 - c. Report annually to the Minister on how far Harmondsworth IRC has met the standards and requirements placed on it – and what impact these have on those held in the centre.

What are your views on the current conditions within UK immigration detention centres, including detainees' access to advice and services? Please highlight any areas where you think that improvements could be made.

2. Up until September 2014 Harmondsworth IRC was run by the GEO Group. It is now being run by Mitie. This report will concentrate on the period before the contact was taken over by Mitie.
3. Harmondsworth IRC can accommodate up to 661 men. It has two distinct styles of accommodation: "hostel style units" and "Category B" prison standard units.
4. After the "Category B" prison standard wings were built the IMB's Annual Report commented that it found it "shocking that brand new facilities have

been built that are ill-suited to their intended purpose and that offer lower standards of decency than the facilities they replace”¹

5. Some of the facilities within the IRC are not suitable for holding detainees for long periods of time. Examples include: cells with 4 beds, healthcare facilities, lack of a therapeutic environment and mental health care facilities, and detainees being held in the segregation unit for long periods of time.
6. Detainees with mental health problems are sometimes held in the segregation unit whilst awaiting mental health assessments or transfer from the IRC. The IMB does not believe that this is suitable accommodation for such persons.
7. Indeed, the difficulties of providing healthcare in an IRC are evident, when detainees do not know the time period for which they will be detained and have only one option and no choice in their healthcare provision. There is a well-known anecdote between detainees in the IRC of being prescribed Paracetamol for any illness they may present with. Detainees often find this ineffective and feel that this is a substitution for dealing with the causes of their illnesses. The IMB cannot comment directly on the quality of particular medical advice, but the pervasiveness of this anecdote perhaps serves to emphasise the difficulties of providing healthcare in detention.
8. It is difficult for the IRC to cater for disabled detainees. There is currently only 1 room with a disabled shower, located in “Fir Unit”.
9. Detainees in “Fir Unit”, which is used as an arrival and departures unit, have little access to the facilities in the rest of the centre. In particular, their immediate outside space is extremely limited.
10. Food is a regular source of complaint by detainees, although IMB members do find the food mostly acceptable and the IMB tastes the food once a week.
11. The reception facilities are very small. Detainees often wait for long periods of time in cramped conditions upon arrival at the centre. The IMB is also concerned at the timing of transfers of detainees to and from different centres, which often takes place during the night. The IMB received complaints from detainees being transferred to centres away from their families and friends in the community. The IMB would like to see detainees treated more like human beings by the Home Office, rather than numbers on a spreadsheet in this regard.
12. The IMB receives complaints (and compliments) about staff behaviour. Complaints against named members of staff are, with detainees’ permission, shared directly with the centre manager. The IMB is not always satisfied that

¹ IMB for Harmondsworth IRC, 2009 Annual Report, 2010, pp6-9

such allegations are followed up by effective complaints processes (see 13). Allegations of the use of racist language by staff towards or in the presence of detainees occur frequently.

13. A recent report by Medical Justice, for which the IMB was consulted, about how complaints are dealt with, resonates strongly with the experience at Harmondsworth.² The IMB often feels that complaints are dealt with by seeing the issue as an isolated incident rather than symptomatic of systematic failures in the detention system. As such, little institutional learning occurs and complaints are repeatedly made about similar incidents. Detainees often express fear of making official complaints; afraid it may affect their immigration case or their relationship with staff. There have been detainees who have told the IMB that staff members have approached them to pressure withdrawal of official complaints, but that they are reluctant to make further official complaints about this.
14. Although detainees have access to mobile phones, the internet and can see visitors daily in relatively unrestricted conditions, the IMB is concerned about the limitations placed on the internet usage. Detainees are unable to access communication websites such as Facebook or Skype which can be distressing for those held away from families and friends.
15. Whilst the IMB is cautiously optimistic about the changes and the attitudes the new contractor Mitie has proposed, it will remain difficult to improve the conditions within Harmondsworth without sustained reform of the policies of immigration detention that continually frustrate the (often well-intentioned) running of the centre as well as those detained.

How far does the current detention system support the needs of vulnerable detainees, including pregnant women, detainees with a disability and young adults?

16. The IMB continues to be shocked at the detention of the mentally ill. It is furthermore concerning that those who are too ill to seek legal advice are dependent on action being taken by centre staff and then on a lawyer being prepared or able to take up their case. The IMB are concerned for those who simply remain unidentified or do not have anyone advocating for their best interests.
17. The IMB has found that the time period between detainees being declared by GPs employed at Harmondsworth to be unfit for detention, and their eventual release or relocation to be concerning.

² Medical Justice Report "Biased and Unjust: the Immigration Detention Complaints Process, August 2014. <http://www.medicaljustice.org.uk/about/mj-reports/2283-biased-and-unjust-the-immigration-detention-complaints-process-27-08-14.html>

18. The lack of meeting between detainees and their caseworkers is also of concern. It exacerbates the distress and confusion many vulnerable detainees feel when they perceive their cases to not be adequately looked at by the Home Office.
19. In July 2013 there were 15 men refusing food and fluid in Harmondsworth. Many of these men tell the IMB that they would rather die than be in detention and often they are driven to such extremes by what they perceive as unfair decision making by the Home Office, or indeed, lack of any decision. The ways in which detention both creates vulnerable persons as well as exacerbates existing vulnerabilities can sometimes be overlooked. Detainees continue to refuse food and fluid in the IRC and it is the IMB, rather than their caseworkers, that meet these men face to face and see the extent of their suffering.
20. The IMB does find vulnerable asylum seekers on the Detained Fast Track (DFT). As yet it is difficult to monitor the changes that DFT will be making following the judgment in *Detention Action v Secretary of State of the Home Department [2014] EWHC 2245 (Admin) 197*. The IMB hopes that fewer vulnerable persons will be placed on DFT as a result.
21. Detainees on DFT often ask the IMB what this means. Many do not understand the process, are disorientated and confused. A lack of legal representation and language barriers accentuate this. Being on DFT makes some of detainees who speak with the IMB very distressed, for example at the lack of time they get to spend with a legal representative, the quality of the legal representative, as well as the lack of time they are given to gather evidence for their case.
22. The IMB remains convinced that an independent review of the application of Rule 35 of the Detention Centre Rules should be carried out. This is one of the key safeguards that is meant to prevent vulnerable detainees, for example victims of torture, from being placed on the DFT. The IMB does not believe that this works in practice, with detainees explaining that they are not getting Rule 35 reports carried out, that reports carried out have not provided DFT with sufficient information and, perhaps most concerning is that Rule 35 reports can be overruled by case owners.

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

23. Detainees often explain to the IMB that they are moved somewhat arbitrarily to different centres, away from their communities and families. The IMB is often unable to understand why the Home Office perceives such movement as necessary.

24. The IRC is a difficult environment to bring a child to visit a family member who is detained, although efforts are made to make the visiting room relaxed.

There is currently no time limit on immigration detention – in your view what are the impacts (if any) of this?

25. The lack of time limit on immigration detention is extremely problematic. There are long term detainees, some have been held for over 1 year at Harmondsworth, in conditions unsuitable for this length of time. The mental distress that detainees face by not knowing when their cases will be decided pervades the centre. A time-limit on detention may help alleviate the mental distress that detainees face.

26. The lack of time limit seems to allow for delays in Home Office casework to become routine. A time-limit on detention would make such delays unacceptable.

27. Many detainees to whom the IMB speaks come from countries that have refused to issue them travel documentation. The IMB regularly questions the reasons for detaining such persons when there seems to be no imminent prospect of their removal.

28. The IMB finds it problematic that foreign national prisoners (FNPs), transferred from prisons to the IRC are effectively still in a “prison” environment after the completion of their sentence.

29. According to Home Office statistics, of those who leave detention after more than 1 year of being detained, only 37% were deported, with the majority being released back to the UK.³ This resonates with the experiences at Harmondsworth, where many long-term detainees are released back to the UK rather than being deported. The IMB therefore questions the approach of detaining such, often vulnerable, persons for such an extended period of time when the end result is often release.

³ Home Office, Immigration Statistics, October to December 2013, Detention, table dt_06