

**Submission by the Independent Monitoring Board at Colnbrook IRC
to the Inquiry into Immigration Detention - 2014**

The Independent Monitoring Board (IMB) comprises a group of volunteers who are appointed by the Secretary of State to be his/her eyes and ears in Colnbrook IRC to undertake the following role: -

The Board is specifically charged to:

(1) satisfy itself as to the human and just treatment of those held in immigration removal centres.

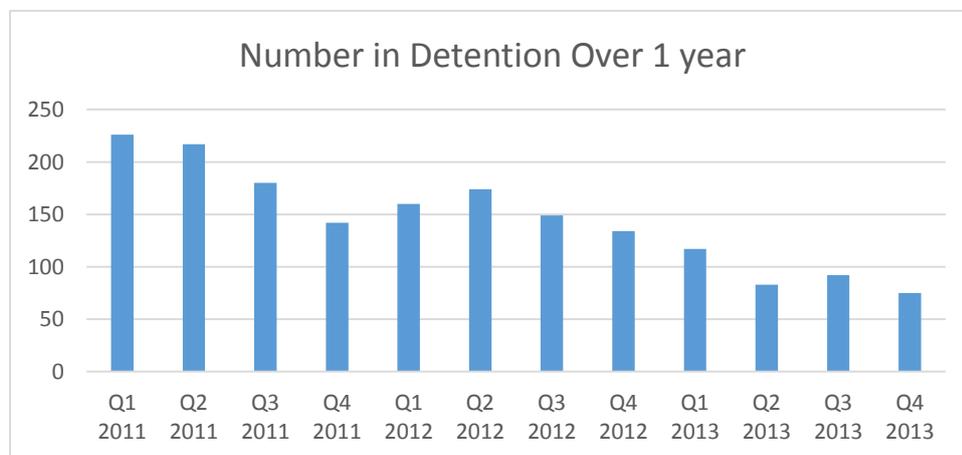
(2) inform promptly the Secretary of State, or any official to whom he has delegated authority, as it judges appropriate, any concern it has.

(3) report annually to the Secretary of State on how far the immigration removal centre has met the standards and requirements placed on it and what impact these have on those held in the centre.

To enable the Board to carry out these duties effectively its members have right of access to every detainee and every part of the centre and also to the centre's records.

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

1. The IMB at Colnbrook IRC (CIRC) are greatly concerned about the impact of indefinite detention and have raised these concerns in our last 6 Annual Reports.
2. The Board do recognise that the numbers of detainees held in detention for periods in excess of 1 year are relatively small in percentage terms, however, these are real people and the impact on their state of mind can be considerable. The Board also acknowledge that there has been an improving trend in recent years in terms of the number of individuals held in detention for periods exceeding 1 year, and this improvement is welcomed.
3. The UK Immigration Detention Statistics issued by the Home Office up to the end of 2013, confirm that the numbers held in immigration detention for longer than 1 year at the end of each quarter for 2011 – 2013 fell from 226 in Q1 2011 to 75 in Q4 2013. The following graph shows the trend over this 3 year period.



4. Prior to 2011, the IMB had limited access to information on total time in detention for detainees housed at CIRC, the only information routinely provided was the time held at CIRC, which inevitably was less than the total time spent in detention.
5. In order to better understand the issues, the IMB undertook some sampling exercises in 2011 and 2012, to demonstrate the extent of the problem, and in 2013, regular monthly information has been supplied on the total time spent in detention for all detainees held at CIRC. This is a significant step forward and has made the matter much more transparent and it is encouraging that as the transparency has increased that the size of the population affected has reduced significantly.
6. The IMB has undertaken a number of analyses over the last 3 years which have been reported in our Annual Reports. The sources for our information are a mixture of information supplied by the Home Office, and information maintained locally on the Custody Management System operated by Serco. The Board acknowledges that this information has not been verified by the Home Office.
7. In 2011 and 2012, the samples represent the top 10 long stayers reported to the IMB monthly by the local immigration team, whereas in 2013, the sample represents all the detainees who have been held in detention in excess of 1 year, which is a more comprehensive sample. The table analyses the outcome at the end of the period in detention, and the average time spent in detention for each cohort. In 2013, the transfers to other IRCs are excluded from the analysis, as the IMB has no information on what happened to these detainees once transferred to another IRC.
8. The following table compares the various samples taken in each year on a consistent basis.

Status of Detainee	2011			2012			2013		
	No.	%	Average Detention Period	No.	%	Average Detention Period	No.	%	Average Detention Period
Released into Community	19	48.7	2 years 5 months	15	50.0	2 years 9 months	29	48.4	1 year 6 months
Removed from UK	14	35.9	2 years 5 months	4	13.3	3 years 3 months	20	33.3	1 year 5 months
Still in Detention	6	15.4	3 years 9 months	11	36.7	2 Years	11	18.3	1 year 6 months
Total Analysed	39			30			60		
Transferred to Other IRCs							20		
TOTAL	39			30			80		

9. What these analyses consistently demonstrate is around half of detainees who are held in excess of 1 year are subsequently granted temporary admission to the UK. The IMB strongly believe that this argues that there should be an upper limit on administrative detention beyond which either the Courts or another body independent of the Immigration Authorities should be responsible for sanctioning further detention. The caseload that exceeds 1 year in detention is not that large that this would impose significant additional costs on the immigration system but this would greatly enhance the fairness of the detention system as it would remove the possibility of indefinite detention without independent review.

10. The IMB notes that a joint review by Her Majesty's Inspector of Prisons (HMIP) and the Independent Chief Inspector of Borders published in December 2012, entitled "The Effectiveness and Impact of Immigration Detention Casework" made a recommendation as follows: -
11. ***"an Independent Panel should be established to examine cases of detainees held for lengthy periods (the exact period to be defined by the panel after consultation) to establish if prolonged detention is justified for exceptional and clearly evidenced circumstances only. It should publish its findings annually. UKBA should expeditiously review all cases in which the panel recommends release and publish its response."***
12. This recommendation was rejected in the Action Plan produced by the Immigration Authorities (UKBA at the time), with the following response given.
13. ***"We do not consider the establishment of such a panel to be necessary or appropriate. Detention is a matter for the Secretary of State. Decisions to maintain detention are kept under regular review at successively higher levels in the UK Border Agency, with cases involving particularly lengthy detention being reviewed at Director level. The UK Border Agency's detention policies and procedures are in line with the established legal principles regarding length of detention. The legality of detention can be challenged in the Courts, as well as the individual having the right to apply for bail at any time."***
14. It is clear from this response that only legislation to impose an upper limit on administrative detention is likely to lead to a change in the culture necessary to avoid a small number of detainees becoming trapped in detention for significant lengths of time. In addition, since this response, changes to the availability of legal aid, has reduced the ability of detainees to challenge the legality of their detention in the Courts.
15. Turning to the impacts of lengthy detention on detainees, the IMB has observed individuals who become increasingly depressed and withdrawn as their cases drag on with no end in sight, we have observed a minority of cases who resort to food refusals which could ultimately lead to longer term health impacts, and we have observed ex-Foreign National Offenders, who end up spending longer in administrative detention than their original custodial sentence which they find to be unjust. We also see individuals who spend long periods in detention becoming institutionalised. IRCs have generally been designed for short periods of detention and are not equipped to deal with detainees who have to spend considerable periods in detention.
16. The IMB at Colnbrook do acknowledge that the vast majority of detainees only spend relatively short periods in detention, and for these detainees the system is effective. Our concern is that the minority who are spending over 1 year in detention are being poorly served by the Detention Process and there is currently limited recourse available to this forgotten population. An independent review of their cases by either the Courts or an alternative independent body outside of the Immigration Process after a pre-determined length of time would be beneficial for all concerned.

Andrew Newell, Chair of IMB at Colnbrook IRC

September 2014

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