

Inquiry into the use of Immigration Detention

Submission from the Independent Monitoring Board at Yarl's Wood Immigration Removal Centre

Introduction - Statutory Role of the IMB

1. The Immigration and Asylum Act 1999 requires every immigration removal centre ("IRC") to be monitored by an Independent Monitoring Board, or IMB. Members of IMBs in IRCs are appointed by the Home Secretary from members of the community in which the IRC is located. They carry out their duties unpaid.
2. The Board is required to satisfy itself as to the humane and just treatment of those held in the IRC; to inform the Secretary of State or her delegated officials of any concerns; and to report annually to the Secretary of State on how far the IRC has met the standards and requirements placed on it and what impact these have on those detained.
3. The Board is not generally concerned with the immigration cases of detainees; the exception to this is where aspects of the process of those cases (eg excessive delay) affect the detainee's continued detention.
4. To enable the Board to carry out these duties effectively its members have right of access to every detainee and every part of the IRC and also to IRC records. A rota visit is conducted at least weekly. During these visits the rota member will go round all parts of the IRC, eating a meal with detainees, talking to detainees and staff, and dealing with specific complaints or "applications" from detainees. Board members are also required to visit any detainee placed in Removal from Association or Temporary Confinement and to act as observers in the event of serious incidents.
5. The Board holds monthly meetings to which the Contract Director is required to report; the Home Office Immigration and Enforcement ("HOIE") manager also attends to answer the Board's questions.

Conditions at Yarl's Wood

6. The physical environment at Yarl's Wood is generally acceptable. The Centre is kept clean and efforts are made to soften the harsh built environment with murals and artwork. Detainees occupy mostly twin bedrooms which have an ensuite shower/toilet with a door for privacy. Detainees are never locked in their rooms; during roll-count and mealtimes, and overnight, they are required to remain on their unit but are free to move around within that unit. During the hours of free association detainees can move around the Centre and visit other

residential units.

7. Boredom and inactivity can be a serious problem at Yarl's Wood because, unlike in prison, there is no concept of a core day or any requirement on the detainees to do either work or education. There are some part-time, paid jobs such as cleaner, library assistant, meeter and greeter, as well as English and IT classes and a well-attended arts and crafts room. There are also many events and activities, such as cultural and religious celebrations, keep-fit classes, a weekly market and a Cultural kitchen where a small group of detainees can cook their own food for morning or afternoon. Activities staff work hard to do what they can to relieve boredom, but for most detainees there are still many hours to fill.
8. The chaplaincy is an important provision at Yarl's Wood, providing support and services to the many religious denominations represented in the Centre. Of note as well is the Welfare provision: many detainees are taken to Yarl's Wood straight from reporting centres and have no opportunity to sort out their affairs. The Welfare Officer helps them to organize their property, bank accounts and so on. She is also an important link with Social Services as many women have children in care outside the Centre.
9. One aspect of concern for the IMB at Yarl's Wood, as also highlighted by HM Inspector of Prisons, is the ratio of male to female officers. Yarl's Wood is a predominantly female centre, We acknowledge that management is making efforts to increase the number of female officers but it appears to be difficult to recruit women. We would like to see this imbalance resolved: many women in Yarl's Wood have suffered at the hands of men and are frightened; equally there are tasks such as searching and going into detainees' rooms which can only be done by female officers. For example, rollcount is always a source of tension: this involves officers checking each room to count the individuals. Officers need to knock on the door and look into the room: ideally this should be done by a female officer but shift patterns do not always allow for this.

Access to Services

Legal advice and representation

10. The availability of legal advice has become a greater concern to detainees since the reduction in legal aid. We understand that whereas 90% of detainees had legal aid, the proportion now is only 10%. Given that people are detained and likely to be removed against their will, this is unacceptable. For detainees with no legal representation, there are twice-weekly surgeries organized at Yarl's Wood by the Legal Services Commission, but there is always a waiting-list for these and they can be no substitute for proper representation. BID (Bail for Immigration Detainees) also visit and provide invaluable assistance, as do Hibiscus, a charity working with detainees to help them organize a voluntary

return to their country.

Healthcare

- 11.** Much has been written about the Healthcare service at Yarl's Wood. It is a difficult area to monitor because of patient confidentiality. However, we can make the following observations:
- 12.** Huge efforts have been made over recent years to improve the service for detainees. This includes the appointment of mental health nurses and a significant reduction in the waiting time for psychiatric assessments and clinics for detainees suffering from long-term conditions such as diabetes. External GPs hold surgeries every day and a female GP is available for female detainees to see if they wish. Detainees can also make appointments with the visiting dentist and optician. There is a counsellor available on-site.
- 13.** Unfortunately there have been serious staffing shortages in Healthcare during 2014, exacerbated by the length of time taken for security clearances. This has led to pressure on the service with detainees complaining to us about delays in obtaining appointments. The problem was made worse by the absence of the Healthcare Manager on adoption leave for the first half of this year with no full-time replacement.
- 14.** Added to this has been the transfer of the Healthcare contract at Yarl's Wood, under new NHS commissioning arrangements, to G4S on 1st September 2014. There are many new procedures for the already-pressed staff to get to grips with and it appears that the provision for GP hours has been cut, even though demand already exceeded supply. We are often told that the provision at Yarl's Wood is commensurate to that which is available in the community. Our view however, is that many of the women at Yarl's Wood have complex mental and physical needs and the stress of detention causes enormous anxiety which very often has physical manifestations. It may not, therefore, be appropriate to apply community models to the healthcare provision in a female detention setting.
- 15.** Possibly more serious is the potential lack of accountability to anyone on the ground: with the services being commissioned directly by the NHS there is no contract manager overseeing matters at Yarl's Wood. The HOIE manager who monitors the main contract does not even have sight of the Healthcare contract and it will be very difficult to feed back problems which occur day-to-day. It is not yet clear to the Board to whom we should report our concerns.
- 16.** A continuing problem which we have highlighted for many years is the fact that it is Healthcare on-site who determine whether a detainee is fit for detention or to fly. This can lead to what we and others have described as a "culture of disbelief" in relation to detainees' physical

and mental health conditions. We have seen many cases where relations between Healthcare and detainees have broken down to such an extent that they become almost litigious (especially when pressure groups become involved) and detainees do not get the help they need, often because they will not engage with Healthcare at all.

Vulnerable detainees

Pregnant women

17. Home Office policy is that pregnant women are only to be detained in exceptional circumstances, unless they are within the Fast-Track scheme, and then only for the shortest possible time. We are not satisfied that these are met. Of the pregnant women whom we meet at Yarl's Wood, very few have imminent removal directions, for example. The stressful environment of detention is not suitable for pregnant women. In particular, women suffering from morning sickness find it very difficult to manage, and those who sadly suffer a miscarriage need the support of family and friends. We do acknowledge the midwifery provision and the work of the dedicated officer responsible for the welfare of pregnant detainees. However, we recommend that pregnant women should not be detained.

Elderly detainees

18. We occasionally see elderly single female detainees at Yarl's Wood, but more often they are detained as part of a family group (family here meaning parents and children over the age of 18). They often appear disorientated, particularly as they are less likely than the younger detainees to speak and understand English, and we cannot help but wonder at the justification for detaining a person who does not appear to be an absconsion risk.

Disabled detainees

19. Again, disabled women are sometimes detained at Yarl's Wood. A care plan is drawn up to address their needs; a disabled room is available, and staff assist in taking detainees to meals and so on. Officers are not, of course, health workers and in our experience it is not easy to manage disabled detainees properly in the detention setting. The cases we have been involved in have descended into disputes between the detainee, often with her supporters, and Healthcare/HOIE, about the extent of the disability or needs, as described in paragraph 16 above.

Young adults

20. Detainees who claim to be under-18 are accommodated in single rooms and their age is assessed by the local council. If they are found to be under-18, they are removed into the care of the council. Our recent experience is that these assessments are carried out relatively

quickly.

The wider impact of detention on families

21. We speak to many women detained at Yarl's Wood who have partners and children in the community or in other countries. The effects of this separation can be seen in terms of the sadness and anxiety experienced by the women concerned. Children may be in the care of Social Services or in informal family arrangements; either way, there is always anxiety about their welfare and about access arrangements. The Welfare Officer provides assistance in dealing with Social Services but there is no doubt that separation from their children adds to the stress on detainees. We can only speculate about the effect on the children involved.

The absence of a time limit

22. This, we feel, is perhaps the most unjust aspect of immigration detention. Although the Home Office guidelines state that detention is to be for the shortest time possible, these are merely guidelines and there is no definition of what is too long. To an observer, there appears to be no internal pressure on HOIE to resolve cases and detainees, unlike prisoners, do not know how long they are to be held, a situation which causes enormous stress.

23. We have been concerned for several years about the position of single women detained for excessively long periods. The length of stay for family detainees tends to be lower, although some families or couples have been detained for a number of months. In our 2013 Annual Report we drew attention to the fact that the longest-stay detainee, a Chinese national, had been in detention for 690 days at 31st December 2013, during which time we saw a significant deterioration in her mental health. This detainee has now been released. Another Chinese national was released during 2013 after a total of 1329 days in detention. The basis of detention is that there should be a realistic prospect of removal in a reasonable time. It seemed to the Board, which questioned HOIE about these detainees on a regular basis, that there was no such prospect in their cases.

24. According to official figures published in our 2013 Annual Report, 2,957 single women left detention at Yarl's Wood during that year. The following table shows the breakdown of the number of women leaving detention by length of stay

Number of Days leaving detention	Number
A: 3 days or less	253
B: 4 to 7 days	449
C: 8 to 14 days	525
D: 15 to 28 days	541
E: 29 days to less than 2 months	636
F: 2 months to less than 3 months	235
G: 3 months to less than 4 months	120
H: 4 months to less than 6 months	87
I: 6 months to less than 12 months	41
J: 12 months to less than 18 months	6
K: 18 months to less than 24 months	3
L: 24 months to less than 36 months	1
M: 36 months to less than 48 months	1

We do not have audited figures for 2014 as yet, but information gained from our visits indicate that detention times may be reducing. A detainee has recently been released after [] days, and there are no others currently detained for over 1 year. However, periods of 3 months and more are still not uncommon, and there remains no time limit.

Authorisation of detention

We do not have direct experience or knowledge of the authorization process, but in our 2013 Annual Report we highlighted the number of detainees who were released into the community, either on bail or temporary admission, rather than being removed. Management figures on discharges, which include all detainees, rather than just single women, indicated that of 3,965 detainees leaving Yarl's Wood in 2013, 2,457 or 62% were bailed or granted temporary admission. In our view this calls into question decisions to detain and to maintain detention.

Alternatives to detention

We have no direct experience of alternatives to detention, either in this country or abroad. We would like to point out, however, that detention is supposed to be for the purposes of removal. In other words, when a person is taken into detention, they should be removable, with documents in place and so on. In our experience, for the women and families we meet, this is not the

case. A frequent route into detention is for people who are already subject to, and it is important to note, complying with, reporting requirements, to be detained when they go to report. This often seems to be just the start of a removal process which takes many months and again often ends with the detainee being released back into the community.

Yarl's Wood IMB
October 2014