

Evidence submitted for the inquiry into the use of immigration detention

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1. After two years of supporting immigration detainees my views on current conditions within UK immigration detention centres is that conditions are disgracefully low. The amount of money spent to detain individuals who have committed no crime (or in the case of those being held for criminal deportations who have already served their prison sentences) results in profiting private companies more so than controlling borders. Detention does serve to make individuals who often believe that the UK will provide them with safety and opportunities to give up on the belief of any human rights existing in the UK. There is no access to **adequate** legal representation as lawyers are increasingly unwilling to take on cases due to legal aid cuts. This is particularly true once individuals are detained in England; in Scotland there is significantly greater access to quality legal representation and cases are dropped less frequently and at later stages of the case (unless detainees are moved to England whereby Scottish lawyers no longer have jurisdiction).
2. Often we have to pressure and essentially beg lawyers for any case to be looked at in detail and our connections in England are minimal. Cases that are looked in detail by lawyers often go on to have some success, individuals are more likely to be released, taken off Detainee Fast Track or have removals cancelled. (In my experience people always have a valid reason for wanting to be in the UK whether it be for safety or to be with family so once a lawyer spends time going through a case there is always a legal reason that can be explored for their right to remain).
3. We constantly get reports from detainees that no matter their illness or mental health issue they are simply given paracetamol in detention and often they are not given appointments with the nurse and hardly ever with a doctor. Doctors write reports, furthermore, that say people are fit to fly when in fact they are not. One prominent example is the case of Isa Muazu who had not eaten for almost 100 days and was determined fit to fly by doctors in Harmondsworth IRC. After speaking with him he informed me personally that guards had to carry him from the centre into the van, from the van to the airport where he was laid down on a bench for hours and from the bench into the plane, where he lay on a couch (it was a private plane just for him). Medical Justice doctors had confirmed he was not fit to fly but Mr. Muazu said the Home Office doctors did not even look at him, he was in fact under a blanket when they came to examine him and without looking at him or speaking to him a doctor signed that he was fit to fly. (This report is on file and can be obtained if necessary).
4. Another very serious medical issue was an individual who was detained and was on specific medication for kidney failure. Without it doctors' letters said he could die yet he was left without this medication for four days. He has now been released and his condition is so severe he needs dialysis regularly. I faxed and called the detention centre and the individual complained but nothing was done until Medical Justice became involved. This is a clear example of no notice or thought being given to

detainees and their request. They are always shut down.

5. Because of legal aid cuts lawyers are unwilling to take on most cases in detention particularly those placed on Detainee Fast Track (DFT) which as a result has a 99% refusal rate. Detainees will make appointments with lawyers, explain their cases and never hear anything back from their legal representatives. Organisations like Medical Justice who are not linked with the Home Office and can supply non-biased evidence are overworked and cannot see everyone who needs their services. Improvements need to be made with respect to health care as a number one priority and access of external services to enter the detention centres and provide expert and medical reports. Furthermore, internet access should not be limited, a recent report stating that Amnesty International and Bail for Immigration Detainees websites had been blocked. As a side note employees at Dungavel IRC often refuse to let detainees fax us at The Unity Centre. I have called and spoken to management about this and been assured this is not their policy yet it is still occurring.

6. Another key issue we see regularly is the Rule 35 reports are not completed uniformly or are ignored by the Home Office. Presently, one detainee we speak to regularly had a Rule 35 report done that failed to include one entire side of his body. Supporters are currently trying to get an independent doctor to assess him as they have seen that both sides of his body are covered in scars yet this has not been accurately recorded. It seems that the doctor only looked at one side of his body. These scars are due to torture and as a result he is not suitable for detention yet has been detained for over 4 months. There are huge numbers of detainees who are not suitable for detention under Rule 35 but are kept in detention anyway at the discretion of the Home Office.

7. Women who are pregnant have previously complained to me about not receiving a proper diet, such as they would have if they were not detained. Pregnant women should be able to choose how to take care of their body, what to consume and need regular access to doctors. According to numerous women I have spoken to in Yarlswood this is not provided. Furthermore, the stress pregnant women express when detained is extremely high and consequences of this could be dangerous to the unborn child.

8. Many individuals are suicidal in detention or have completely gone crazy (for want of a better term). I have had individuals with complete paranoia call in the middle of the night thinking people are coming to kill them, thinking that things are being put in their food and that nurses are drugging them. One woman who did not seem crazy in fact mentioned that she had been injected with something and woke up a few days later. Reports of being driven around for hours and hours in vans for no reason are also common. The woman who claims to have been injected had 9 attempted removals and would often be driven around even when she did not have a current removal direction. Other women have reported being taken to the airport in nothing but their night dress and many detainees have been sent without all of their belongings and/or documents. One individual was sent back to Nigeria via charter flight and not given his passport and another to Pakistan just a few weeks ago without all of his educational documents.

9. Those on suicide watch are visited regularly by guards but this seems to make them more anxious and angry. It also means they never get a full night's sleep. They cannot prepare their cases and collect evidence and chase up lawyers when in this state. Often individuals are so distressed and

disillusioned by being detained and the injustices they face at every turn (by treatment of guards, Home Office practices, rapid refusals no matter the evidence they provide and constantly being given removal directions) that they scream and get angry with us on the phone. I regularly get messages that simply say "help me", "I need help", "get me out of here". I have also had an individual ask my friend to send him a razor blade and another individual with a plan to use glass from a coffee jar to cut himself.

10. Women in particular in Yarlswood have reported being called names related to skin colour and animals ("black bastard" "monkey") both within the centre and on the way to the airport. Women also complain that male guards often come into their rooms without warning (without knocking) and they feel uncomfortable because they are in sleeping clothes or getting changed.

11. To summarise, those deemed "fit for detention" needs to be readdressed and individuals with pre-existing mental health issues, health conditions and those who are suicidal should not be detained along with pregnant women no matter their stage of pregnancy. For women detention is particularly difficult and they seem even more traumatised than men when released. I believe women should not be detained or at the very least the centres should be completely female run. Particularly considering many women are Muslim and men should not be even touching them as this is against Muslim custom and is considered shameful.

7. Detention is a constant fear in all individuals that come into our office or call us. Mostly people are calling because they are worried they will be detained or are in detention already. This includes families and individuals and is because support at the late stages of cases and once detained is minimal. Many organisations like Detention Action are limited in the support they can provide due to limitations of their funding and the sheer number of detainees. There is not enough support for detainees from all the organisations that try to support detainees combined.

8. Social networks often break down because once detained individuals need help from their supporters, often it is simply to provide phone credit but also to be bail assurers or to find money for a private lawyer. The desire for private lawyers is increasing dramatically and detainees often say to me that legal aid lawyers are working for the Home Office. This has increased in the last year compared to when I first started supporting detainees. A problem with private lawyers when obtained is that they often lack experience and will simply keep applying for bail rather than focusing on the immigration cases and individuals with private lawyers are often in a worse situation than not being represented and fighting their own cases. Private lawyers, for example may apply for a judicial review but not realise they also need to apply for an injunction to stop an upcoming flight. We often have to tell detainees that what their private lawyers are applying for and charging for is not going to stop their flight (as the lawyer will say they are applying for bail to get them released even though this will never be successful without cancelling an issued removal direction). This is just another example of how detainees are exploited for profit (along with the private companies that run the centres).

9. Because a lot of pressure is put on friends and family, community groups and/or churches/mosques/temples often these relationships break down. We end up calling on behalf of people in detention to explain how serious their situation is and why they need letters of support or bail assurers. This is sometimes successful but often supporters are scared because they have irregular immigration status or have limited leave to remain and fear this will be somehow effected. Even people

with British passports are often scared to help and not be involved with the Home Office nor give copies of their identity documents which are required for support letters and statements to be considered by the Home Office.

10. Often individuals will ask me how long they can be kept in detention and when I respond that there is no time-limit this often makes individuals extremely low/depressed. Often people who have been in detention for around 7 months believe that they must eventually be released because they have been in detention for so long without being removed (and individuals are only legally supposed to be detained if they can be removed). Individuals often lose hope at this knowledge. Previously a few detainees I was supporting took voluntary return but this is no longer an option from detention. Taking voluntary return was very rare and as far as I am aware was only taken by individuals from Nigeria and Pakistan. I believe this is because of the existence of charter flights and every month being scared of being put on a charter flight and humiliated by being flown like cargo and possibly having a lot of questions upon return that would make it harder to hide. Detainees who took voluntary return that I am aware of took this option after seeing many of their friends sent back on charter flights and giving up hope or having been taken to a charter flight but not put on and seeing the conditions inside the flight (three guards to every detainee, often in handcuffs). Furthermore, for those that have gone back to these countries voluntarily I am not aware of anyone who is not in hiding or has not moved to a neighbouring country or other European country.

11. Long periods of detention also seem to make people's mental health issues increase significantly. I am also aware that often individuals who have been detained for prolonged periods lose all hope in the immigration system and in human rights in the UK along with those who have developed serious long-term mental health issues and continue to take medication long after being released.

12. Current arrangements for authorising detention are completely inappropriate. I know an individual recently who was released on bail but detained four times before the bail period was finished. Every time he was released except for the last when he was sent back. His fresh claim was considered in a matter of hours even though it contained a long expert report, many medical reports and a 100 page statement. The Home Office was able to argue that he already had removal directions set which is why the case was not considered in detail by the judge.

12. It is significantly more expensive to detain individuals rather than house them in the community. Socially detaining individuals who have claimed asylum or have overstayed means that there builds an exacerbated 'us' and 'them' phenomenon which increases racism and discrimination at a community level. This idea that people that appear to be from other countries should not be here even though often individuals have the right to be here (on paper not just morally) or were born here. With respect to police there is a significant impact. When police encounter someone who looks like they may be from another country the first thing they do is call the Home Office and determine whether they should be detained or not. I have been in this situation on numerous occasions and because I look like I could be British I am never checked but the individual I am with is checked. Furthermore, police check people for no reason which is illegal. Two of my friends in Glasgow (in the Govan area) were checked on the street by police for no reason other than due to their appearance when they asked why they were being checked the police responded that they were

"suspicious".

13. From my experience individuals who are released on bail have often asked for favours from supporters or family and for this reason continue to report and do not abscond. Providing accommodation also means that the Home Office knows where people stay. Often individuals who have been detained for prolonged periods of time have run out of money and rely on this accommodation so do not abscond. I have heard of more humane styles of detention such as that in New Zealand where people can leave during the day and return in the evening. They are able to be part of the community, send their kids to local schools and access local services. Another alternative could be based on open-air prisons like in Norway where individuals work, make money and return in the evening to share-house style accommodations. People would not be locked up and would have access to services in the surrounding community like health care and also work opportunities. It is important to note that they should be paid minimum wage not the 1 pound an hour currently paid to detainees who work in detention centres which is clearly a form of modern slavery and simply serves to profit the private companies that run these centres on behalf of the Home Office.

14. The last note I wish to make is that from ex-detainee reports it appears that conditions in Dungavel IRC in Scotland are better than those centres in England. While detainees still report problems with health care, treatment by guards and issues with the quality of food they often want to be transferred back to Dungavel once moved to England. Women particularly often cry on the phone and that they want to leave Yarlswood and come back to Dungavel and all hope in their voices become lost once they reach Yarlswood. When visiting Dungavel it is a much more pleasant experience compared to Harmondsworth and Brookhouse (the only other two I have visited). In Harmondsworth you cannot sit together with other visitors at the same table but are given a table to sit at that you cannot move from and in Brookhouse you cannot even sit on the same side of the table but have to be far away from each other.