

Response to Parliamentary Inquiry into the use of immigration detention in the UK, hosted by the APPG on Refugees and the APPG on Migration

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London Community Submission

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Introduction

1. *This submission contains the views and experiences of a group of individuals based in London with direct experience of detention.*
2. *We are affiliated to Detention Action, Right to Remain, the Jesuit Refugee Service (JRS) UK and The Migrant and Refugee Communities Forum, respectively.*
3. *We came together on the 15th September 2014 at the JRS UK headquarters in London to share our testimonies of detention and collect evidence for our response to the Parliamentary Inquiry on Detention.*
4. *All of the participants in our group supported the submission of this paper, which has been drafted by Detention Action on behalf of our group.*
5. *It is important to say that whilst we welcome this Inquiry and include recommendations in this submission as to how the current system could and should be improved, we believe detention in the UK serves no purpose and should be ended as a government policy. We believe that the current status quo is not beneficial to anyone and alternatives to detention should be explored and put into practice as soon as possible.*

Conditions in Detention

6. Detention centres are **unhygienic** and are run in a way which encourages a **risk of infection**:
“Every morning I would wake up and there would be blood everywhere because of the bed-bugs.”
“I had to share a room with five people and we had a toilet in the room. There were always infections. When you are forced to live like this, like an animal, living in your own filth, sitting in the same room whilst someone else goes to the toilet...then you realise you don't have any rights.”
7. **Overcrowding** and a **lack of privacy** are also major concerns:
“I was put in a room with four other people but because of the noise and my mental health issues, I could not sleep here at all. I slept in the common-room for three weeks because I couldn't take it.”
“Sometimes you feel stressed and you need somewhere to go and relax and think, but it is like living in a marketplace. There are people everywhere. The whole place is full of noise. There is no privacy, and this has a mental effect. It is part of the wider idea to break you. It is a big part of making it an uncomfortable experience for you.”
8. In Yarl's Wood IRC this lack of privacy fused with a general **disregard for gender sensitivity**:
“I never had any privacy at Yarl's Wood. My door was kept open the whole time and every 15 minutes they came in. I am a survivor of torture, I have nightmares but even when I was asleep, they would wake me up. And these are males officers...twenty-one years old...just walking into a room with women in it. I asked him to give me space and they just ignore you.”
9. The **physical environment** of detention centres are designed in a way to intimidate, suffocate and suppress:
“In Colnbrook, you were locked up 23 hours a day. You get twenty minutes allowed out in the morning, twenty in the afternoon, twenty in the evening. That's it, one hour a day. You feel caged. You can't breathe. It affected my brain. When I came out the GP told me I had a serious Vitamin D deficiency because of the lack of sunlight in detention. ”
10. **Segregation and isolation-cells** are unfairly and inappropriately used to 'punish' those in

detention in order to ensure individuals are less likely to speak out or make complaints:
“Once in Colnbrook, there was water flooding in the ceiling of my cell. I had been in detention for seven months at this point and I was not well. I was extremely stressed and this situation made me much worse. I asked all the officers for help, to take me to healthcare. Everybody ignored me. I knocked on the door. I told the nurse to check my blood pressure. Then four, five guys came up from behind and shoved me to the floor and put me in handcuffs. They took me to isolation. I asked why this was happening, I was only asking for help. They said my 'behaviour' was the reason. They kept me there for two days. I have extremely high blood pressure, high cholesterol, breathing and heart problems. They told me I should press a button every time there was a health problem. Whenever I pressed it, I could hear the healthcare manager say: ‘Bullshit, there's nothing wrong.’ I learnt not to complain any more. Complaining means more trouble for you. I did not complain about this.”

11. The effect of these experiences, or the impact of seeing or hearing about others go through similar experiences, renders the **complaints procedure** useless:

“Making a complaint makes your situation worse. You learn not to make complaints. It is dangerous. It makes you a target for the staff. You will be left more vulnerable.”

12. The **lack of respect** shown by detention-centre staff underlies and feeds-in to every problematic aspect of life in detention:

“The whole attitude from staff is 'we don't care, we don't like you, we want to make this as uncomfortable as possible so you leave'. They are quite open about it.”

“The staff enjoy punishing you. If you are late for a meal by one minute, there is no food for you. You might be on the phone to your solicitor, it might have been the only chance in the day to have spoken to them, it doesn't matter. They don't care. No food. You could go on hunger strike for all it matters. You mean nothing to them. They do not see you as human beings.”

13. Being detained in **prisons under immigration powers** has a huge impact on your mental health and your ability to access to justice:

“Being held in prison under immigration powers is horrible, the worst. You have access to nothing. You are stuck. You have no phone, no access to solicitor, no internet. There is no way out and no-one can give you any information because they are not trained in immigration matters.”

“A terror suspect can be held for a maximum of 14 days. I was held for months in prison after I finished my sentence for having false papers. Nearly a year! Was I seriously more dangerous than the terror suspect?! Was my false passport really more of a security threat?”

Recommendations

- There should be more independent and unannounced inspections across the UK's detention estate, with inspectors accompanied by ex-detainees to act in an advisory role so that this practice is informed by those with direct experience of detention;
- The Home Office should provide information (in different languages) to those in detention to enable them to fully and effectively engage in the immigration process;
- Those in detention should have freedom of movement throughout the detention centre and access to fresh air at all times;
- Shared rooms should be subject to thorough risk assessment processes which take into account health and safety considerations for each individual;

- There should be an effective, independent and transparent complaints procedure;
- UK prisons should not be used to hold immigration detainees under any circumstance – should a migrant be jailed for a crime, once they have completed their sentence they should be immediately released.
- Individuals in detention should be treated with respect, tolerance and humanity and their right to live in dignity should be acknowledged and appreciated by detention centre staff;
- The Home Office should provide facilitated training for all detention centre staff in order to improve awareness of the impact detention can have on individuals and the implications for Home Office processes;
- The Home Office should provide counselling services for detention-centre staff so they are better equipped to deal with the pressures of their roles;

Access to Justice in Detention

14. Everyone in detention suffers from a **lack of information**:

“I was in detention for three years and I never, once saw my caseworker. I never even knew who they were. Nobody assisted me.”

“I speak only Arabic. You lock me away in detention, for no reason, and I need to do something about my case. But without information or translation, what can I do? There is no-one to help you, to guide you. I don't know the law here. I am not a solicitor. I did not understand anything.”

15. **Poor interpretation** and the impartiality of interpreters needs addressing:

“They are paid by the Home Office to interpret what the person says but many times they interpret the wrong thing, and with catastrophic results for the individual. How can you trust someone who is paid by the Home Office to truthfully translate what you say?”

16. **“There is no such thing as a fair trial on the Detained Fast Track (DFT)”**:

“How can someone's life seriously be decided in two days? It cannot.”

“How can you appeal (a refusal on the DFT) effectively from *within* detention? How can you get fresh evidence when you are locked away in the middle of nowhere? It is a joke to even ask for new evidence.”

17. **Legal aid cuts** mean many are **forced to represent themselves**:

“For me, the stress and shame of this moment, made it the most difficult thing in my whole experience of detention. I didn't know the law. I didn't know the language. I felt so scared. I was already extremely vulnerable and I had to speak in front of a row of judges with no support. It was terrifying.”

“I don't understand how a judge could even consider seeing the case of an individual who doesn't have a solicitor, know the language or the law. They should be postponed in these situations.”

18. Individual's cases are **jeopardised by the actions/intervention of detention-centre staff**:

“There were many times I was waiting for an answer on an injunction or judicial review and the court says they have already faxed it to me and the centre staff say they can't find anything. When you finally get it, you look at the date the fax arrived and it was three days ago. So who was sitting on this mail? I still communicate with people who have been deported while their cases are still pending in the High Court. Why did they not allow the judicial proceedings to finish? There is no justice here. Someone is fooling around.”

Recommendations

- The Detained Fast Track should be abolished;
- Interpreters should be independent from the Home Office and act in a professional and impartial manner;
- Those in detention should have face-to-face contact with their respective caseworker a minimum of once a month;
- Under no circumstances should an individual held in detention be forced to represent themselves alone in court;
- The Home Office should ensure access to good quality, properly funded legal representation including so that a judicial process can be accessed where necessary.

Access to Healthcare in Detention

19. Healthcare staff working in detention centres either **lack medical knowledge or have not received efficient/formal training** in how to treat detainees:
“Whenever I was in healthcare I always asked myself the same question: were the healthcare staff actually really trained or not? You really get this impression they don’t know what they are doing. This becomes really clear when you compare them with NHS staff outside of detention - then you really, *really* notice the difference.”
20. If healthcare staff *are* efficiently trained and certified clinicians, then there is clearly either **reluctance or indifference to give proper standards of care**:
“I was due for an important surgery whilst I was in Harmondsworth but they did not take it seriously. They did not take anyone's health seriously. I had to plead with nurses to let me see a doctor and have the operation.”
“Once you are detained, any health issues you are dealing with are either put on hold or dismissed. They just accuse you of trying to postpone or forego your removal.”
21. There is a **conflict of interest** between the forced-removal of migrants and the appropriate treatment of those in detention:
“Everything they said and did (in healthcare) made me think they were breaking their own ethics of practice, because the way they ask you questions, the tone, the manner...it has nothing to do with medicine. It feels like another Home Office interview. There is the same culture of disbelief.”
“They don't care about people's health. They are doctors so I assume they took the Hippocratic oath. But I have seen them treat extreme illnesses with paracetamol and send people back to malaria prone areas with no medication. The detention centre just wants these migrants out and healthcare is part of that.”
22. Detention centre healthcare services are **poorly governed** and are not built in a way to meet the needs of detainees:
“Many times staff said to me 'we have 400 detainees in here, not just you'. They also didn't have a single GP, only nurses. Sometimes it will be months before you are seen.”
“The appointment system is broken. You have to beg to get an appointment from one of the officers. You have to fight for healthcare when it should be a basic right. I actually saw people fighting, physically, for an appointment.”
23. **Key procedural problems** result in incorrect medication being prescribed, incorrect dosages

being offered and logs/records being lost:

“In Harmondsworth, I went to healthcare but when they got my file they said there was a problem, and there was another name on the file. I asked for my medication (which I desperately needed) and the doctor said that there was no medication outlined in this file. Again I told him, it was not my file. Again, he said, it must be. There is a picture on the file. I told him to look at the picture and see it was not me, and that I needed my medication. He said the picture did not matter. I asked him how and where he had trained to be a doctor. The nurse intervened and explained that the file must be lost.”

24. Rule 35 does not work:

“Rule 35 is a joke, it has never worked. I saw disabled people in detention, people with psychological problems, survivors of torture, blind people, people in wheelchairs. I saw a man with one leg missing, using crutches and immigration tried to deport him three, four times. He was released after 6 months on bail. I saw an old man with Parkinsons...he could barely stand.”

“They had told me my Rule 35 would maybe take three hours to look over my scars. But when I went to the doctor he did it very quickly, only a few minutes. I did not feel properly assessed. And he missed key information in his report. When I went to court, the judge told me I had issued a fake Rule 35 application but it was the doctor, he had done it wrong.”

Recommendations

- Health services in detention should be made completely separate from the immigration process;
- There should be more independent inspections of the operation of the Rule 35 procedure;
- The number, and quality, of healthcare staff should be seriously assessed and former NHS clinicians should be encouraged to volunteer;

Emotional Impact of Detention

25. Detention creates mental health issues:

“The system is designed to put pressure on your mind. It creates fear in you all the time. I have a daughter and I was her main provider. When I was detained I was anxious everyday thinking what is happening to her. I did not have any mental health issues when I went in, but by the time I came out I had diabetes but also manic depression and schizophrenia.”

26. The lack of a time-limit on detention has an enormous impact on individuals’ mental and emotional well-being:

“Indefinite detention makes you go crazy. Some days I wanted to rip someone's head off, some days I wanted to commit suicide.”

“Not knowing when I would be released destroyed me. It turned my mind blank. You don't know where to start because you don't now where this is all going to end. Before I came in I was an active person, but after a while of not knowing when you will be released, you just stop. They tell you when to sleep, when to wake-up, what to do at all times. They turn you into robots. Detention is built to drain you so it is easier to ship you out.”

27. The longer you were in detention the worse its impact would be:

“Psychiatric reports show that my mental health got steadily worse over the three years in detention. There was a direct correlation. Now I am on serious anti-psychotic medication and that affects the way I relate and interact with people. I hate it.”

28. You are left **isolated and unsupported** in detention:

“The counselling service offered in detention is not good. They give you a nurse, not a counsellor. You do not feel comfortable. The door is always open, you are not sure if you are talking to Home Office staff, or if they are listening.”

29. We all saw, considered or carried-out acts of **self-harm and suicide**:

“We have all seen people do crazy things - people slit their wrists, they set themselves on fire, they hang themselves. It is because of the pressure on you, coming from every side. I tried to end my life several times. I really tried. I gave up in there. I hit rock-bottom. It was unimaginable.”

30. Following release from detention, many of our group reported problems with **memory recall, mental disorientation and flashbacks**:

“It was only when I got outside that I really realised what impact detention had had on me. Detention ruined me. Now, I cannot recollect things. I forget everything. I get confused.”

“Because it was always so dark in detention, I struggle with the light now. I choose to be in the dark. People that I live with come into my room and say, 'wow, there's no light in here'. I smile when they turn it on and let them sit with me, but as soon as they leave, I turn it off again and just sit there in the darkness because that is what I am used to.”

31. Detention affects the way you are able to **socially interact**:

“I felt like a stranger when I was released. I could not speak to anyone. I could not trust anyone. I had gotten so used to the system, the key turning, the cold food...I did not know what to do. I felt expired and broken. Even now, I am trying to stand up but I am scared. The threat of returning there is with me every hour, every day. It makes it very difficult to move on.”

32. There is **not enough support for individuals who have experienced detention and are released into the community**:

“Before detention, I was not on any medication. During my time in detention, I needed three different types of medication for depression. When I got out, I had to pay for everything, including my medication. The Home Office detained me for no reason, gave me mental health issues, released me and then made me pay for my own treatment...”

Recommendations

- There must be a time-limit on detention;
- Following release from detention, individuals should be given structured emotional and practical support to assist their (re)integration into society;
- Following release from detention, individuals should be granted the right to work;
- Those individuals who require mental or physical treatment following/as a result of their experiences in detention should not have to pay for this healthcare;
- The UK government should end its policy of indefinite detention immediately and should explore assessing individuals' ongoing cases in the community instead.