

Detention Inquiry Joint Submission from Manchester Based Organisations

Part 2: Evidence from All Respondents

Summary of Key Points:

In Part 2 of this submission, we present evidence about:

- **The detention system routinely disregards the needs of vulnerable people** – including elderly people and survivors of torture – and further erodes their mental wellbeing;
- **The practice of detaining asylum seekers indefinitely is illogical, indefensible, and an anomaly in the UK justice system;**
- **Arrangements for authorising detention are arbitrary** - this produces fear for asylum seekers (which can discourage reporting); undermines human rights; prevents integration into the community; and contributes to the erroneous image of asylum seekers as criminals;
- **The detention system represents a scandalous waste of taxpayers' money** – including not just the cost of running Detention Centres, but also legal costs and emergency hospital admissions;
- **The bail system is unjust and poorly administered**, meaning whether you are released or left in detention for years on end depends on who you know that can vouch for you.

Who we are:

This is **Part 2** of a joint submission from **Women Asylum Seekers Together, United for Change, Manchester Migrant Solidarity** and the **Boaz Trust**. Part 1 collates evidence from people with direct experience of detention (supplemented by individual testimonies), while Part 2 collates evidence from all respondents: support workers, friends and supporters of detainees, as well as former detainees themselves. For queries or points of clarification, please contact: NorthWest@regionalasylumactivism.org | 07557983264.

Our evidence and key findings

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

6.1 In our experience, many people who are detained are extremely vulnerable. For example, HIV was defined as a disability under the 2010 Disability Act, yet many people with HIV are detained. We have witnessed pregnant women and very elderly people being detained. One witness raised serious concerns about the neglect of an elderly lady in Yarl's Wood:

"There was one elderly lady who had a fall. She used a frame to walk with, but it would take her a long time. She needed an officer to open the lift for her, sometimes they wouldn't come. If she couldn't get to the dinner hall she would go the whole day without eating." (M'cr Testimony 3)

6.2 It is common practice for the Home Office to detain people with **mental health problems**. We would like to know: how is mental health assessed? If the Home Office sees fit to put a person on suicide watch, surely that individual should be classified as vulnerable?

6.3 We feel **people who do not speak English are vulnerable** and they aren't made aware when they are entitled to an interpreter. In our view, **all detainees are made vulnerable if they don't know their rights**,

and it's clear that neither the Home Office nor Detention Centre staff take responsibility for informing detainees of their rights.

6.4 Several of us are qualified Social Workers and advocates who have made **Rule 35 requests that are ignored** for no good reason. In our experience, it is common practice for vulnerable people, including **survivors of torture** to be detained. One detainee said:

"Rule 35 says if you have been tortured you shouldn't be detained. But you are not believed. Not respected. The healthcare people say Rule 35 applies but the Home Office overrides it. They saw all my scars but still didn't believe me. Why have Rule 35 if you don't respect it? Medical Justice carried out an independent assessment saying I should be immediately released but this was ignored."

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

7.1 We contend it is completely inhumane to subject someone to indefinite loss of liberty and control over their life, without them having committed any crime. The UK is the only European country to indefinitely detain asylum seekers. It is also an anomaly in the UK justice system: even a prisoner knows how long their sentence is. Indefinite detention has an unbearable effect on the detainee's mental health, as well as on their family and support groups. As one supporter put it:

"I have visited four people in detention. Not knowing how long it will be adds to the trauma of detention. In all four cases there was a deterioration in health during the detention."

7.2 Furthermore, the way the Home Office uses detention is illogical. In theory, the Government should only detain people they have a realistic chance of deporting. However, Iranians are being detained when the Government is unable to deport them; this points to a complete lack of joined-up policy. We can only conclude that this – like the Government's policy of enforced destitution – is a deliberate policy of attrition, designed to make refused asylum seekers go home and deter others from coming here.

8. Are the current arrangements for authorizing detention appropriate?

8.1 We feel the way the Home Office decides to detain people is completely arbitrary and that this is intentional. The uncertainty surrounding these decisions produces fear for asylum seekers. We have no doubt that this is part of a deliberate policy to prevent asylum seekers from integrating into communities, either through early detention (Fast-track) which stops you developing a support network, or by disrupting the relationships you have already developed.

8.2 The process of being seized and detained is frightening and unjust. In our experience, people are getting detained even when they are engaging fully with the Home Office and regularly reporting. People are sometimes detained at the same time as being given a refusal decision, which is not due process. They often have no chance to tell family or friends, or to get legal advice, to collect personal belongings, photos, or essential medication. The journey is sometimes traumatic. As one detainee put it:

"We travelled in the van for four hours in the dark. There was one female officer and one male. They told us to keep quiet. We thought they were going to kill us... We reached Yarl's Wood. They sat us down... A nurse came to interview me at midnight. I was tired and upset and so refused. They searched my bag and took my medication off me." (M'cr Testimony 3)
"They took us in a van after midnight. The journey was so awful. It was freezing cold and I had no warm clothes with me. It was uncomfortable and rough and bumped around." (M'cr Testimony 1)

8.3 It is deeply concerning that for detainees, from when they are detained to when they are released, nothing is explained. Many people said they did not understand why they had been detained, and we know that once in detention, people are not made aware of their rights (e.g. who qualifies for bail). One supporter said:

“In my experience the hardest thing for asylum seekers to understand is why they are being locked up in what is really no different to a prison, if they have committed no crime. That is a major factor in the deterioration in mental health.”

8.4 **The heavy-handed tactics of Home Office enforcement teams are also intimidating and uncalled for and their approach serves to compound the myth that asylum seekers are somehow criminals.** For example, one woman stopped reporting. Eight vans turned up at her house, circled the entire area. Afterwards, the neighbours were asking her if someone had been killed. The image this gives the neighbour is that there must be criminals living there; that they must have done something really serious to warrant eight police vans. This reinforces the image of asylum seekers as criminals and, as it was a house for asylum seekers, has an impact on future residents who live there.

“I was a live-in carer for an old man and about 20 people came to his house to detain me. Why did they need so many. I am not violent criminal. They were very aggressive and shouting loudly at me... They did not believe the old man wasn't involved and searched the house. They left it in a terrible state. They were very rough - lot of verbal abuse and shouting. The man was very distressed.” (M'cr Testimony 1)

8.5 **In our experience, decisions to release detainees are similarly arbitrary.** We are also concerned that it is **very common for people to be released into destitution and with no follow-up medical care.** Conversely, if you have no address then you won't be released, yet most detainees would go on to apply for Section 4, so this is illogical.

9. What are the wider consequences of the current immigration detention system, including any financial and/or social implications?

9.1 The estimated cost per person, per year of keeping someone in detention is £50,000. This is a scandalous **waste of tax payers' money**, especially when you consider that instead asylum seekers could be working and paying taxes. It is ludicrous that the UK is recruiting doctors and nurses from overseas, yet there are already people of those professions in detention centres. Giving asylum seekers **permission to work** would give them dignity, and make the system more humane.

9.2 Detention also wastes money in the following ways:

- Legal costs: often the detainees' solicitor is able to get an injunction; sometimes the asylum seeker is on the verge of putting in a fresh claim; and sometimes the Home Office has not done its homework with embassies to ensure that removal is possible.
- Emergency hospital admissions: these can cost thousands and could be reduced if detainees were seen by medical staff earlier and had chance to retrieve prescription medication before being sent to the Detention Centre.

10. How effective are the current UK alternatives to detention (e.g. bail, reporting requirements)?

10.1 Applying for bail also involves a big cost, both to the state, which is defending Home Office decisions, and to individual detainees and their supporters (it can cost between £3,000 - 4000 trying to get a solicitor to represent a detainee). Surely this money could be put to better use by, for example, improving access to legal advice early in the process so decisions are more likely to be right first time.

10.2 In our experience, there are numerous ways in which the bail process is unjust and poorly administered:

- It relies on having an address to be released to (many asylum seekers are destitute and have no fixed address);
- It sometimes relies on knowing a British person who is willing to act as surety (some people may not have been here long enough to meet people who can vouch for them, or may be part of asylum seeker communities where people do not have the money/resources to support them). Justice should not rely on the luck of who you know.
- There is often no pre-warning of the date of a bail-hearing, meaning sureties have to make long (and expensive) journeys and have to take time off work; there isn't a time-slot given, meaning you have to wait at the court all day; and there is no provision for sureties to appear by video link (though the Home Office often arranges for detainees to appear via video-link).
- There is also no clarity about the documents that are needed by the judge.

As one supporter put it:

"The Bail System is frankly a mess. I have stood bail on four or five occasions, and every time it was different....What happens on the day is totally random, and depends entirely on the judge (and often his or her mood on the day). I am always careful to take the required documents with me. Sometimes the judge asks to see them. He may look at them intently, briefly or not at all One granted bail because I had turned up in person to vouch for the detainee, whilst that was of no importance to others."

10.3 In our experience, the granting of bail is equally random: some judges will not grant bail as long as the Home Office thinks it may have a slim chance of removing the detainee, while others will grant bail if the Home Office has not been able to acquire travel documents within a few weeks. When bail is granted, it also seems very random as to how long it will be before the detainee is released (if there is a policy, it is not clear and probably not understood by those implementing it).

"Whilst I was in detention my case went to the High Court and the Judge said I was to be released but nothing happened for 17 days. I was eventually released but they didn't tell me why I was released at that time." (M'cr Testimony 4)

11. Our Recommendations:

i) Detention should play no part in the asylum process and all detention centres should be shut down.

Detention of people who have committed no crime is inhumane and indefensible. To deprive people of their liberty in this way causes huge human suffering, erodes mental wellbeing and makes vulnerable people more vulnerable still. In our view, an unjust system for asylum seekers and migrants doesn't just impact on these vulnerable groups but has an effect on the whole society. Detention is very expensive and if the Government were to reduce the money it spent on detention, then there would be more money for dealing properly with asylum cases and getting the decision right first time round. We believe eliminating detention (and the fear and anxiety it creates) would also make people more likely to report and stay in contact with the Home Office.

ii) The Government should urgently commit to addressing problems in the entire asylum system and make policy changes that give us a more just and fair asylum process, including:

a. Develop public awareness and understanding and have more honest political discussion about

people who come to the UK to seek safety. Politicians have a duty to tell the truth, and not build up hype/stereotypes/incorrect views surrounding asylum seekers. Asylum seekers are portrayed as criminal, bogus, sub-human and this is used to legitimise poor treatment, including detention.

- b. Improve decision making and access to good quality free legal advice at the earliest opportunity.** This would ensure those who need protection get it. The [Home Affairs Select Committee](#) have recognised that there is a pervasive 'culture of disbelief' at the Home Office towards anyone who claims asylum. [According to Amnesty](#), over the last three years, an average of 25% of decisions to refuse asylum were overturned on appeal, pointing to alarming inconsistencies in decision making.
 - c. Provide all asylum seekers with enough support to meet their basic needs, and get rid of the Azure card/ Section 4 and replace it with a cash payment.** A single adult receives just £5.23 a day to cover all basic necessities (food, transport, clothes, toiletries), which can make it difficult to attend the Reporting Centre. If you are destitute or living on Section 4 it is even harder to report as you have no cash for bus fares. Having adequate support would also make it easier to engage with the legal process (e.g. credit to call your lawyer, an address to send important paperwork to).
 - d. Give people seeking asylum permission to work so they can support themselves.** This would allow asylum seekers to live in dignity and would improve their mental health. It would allow asylum seekers to use their skills (and therefore be work-ready if they get leave to remain), and would stop tax payers' money being wasted.
 - e. Work with asylum seekers and their supporters when reviewing the system** to identify policy changes that will work in practice, will protect human rights, and will ensure the British Government honours its obligations under the Refugee Convention.
- iii) We firmly believe detention should play no part in the asylum process. However, change may not come immediately, so in the interim our further recommendations are to:**
- a. Ensure the whole detention system is run more humanely.** As it currently operates, the human rights of detainees are regularly abused and people are traumatised by their experience of being detained. Many detainees are released back into the community with worse mental and physical health than before they were detained, which has knock on effects and costs for society.
 - b. Withdraw contracts to private corporations/ security firms that are running detention centres.** They have an appalling track record of disregarding their duty of care, abusing detainees and operating as if they are above the law. Their agenda is to cut costs and make a profit, which, as we've seen, is antithetical to protecting human rights and supporting vulnerable people.
 - c. Respond immediately to requests for Public Inquiries into sexual assault claims and deaths in detention/ during deportation.** These should cover police involvement and handling of previous investigations and inquiries. **The Government should accept overall responsibility as they commission the service.**
 - d. Ensure all Detention Centre staff are vetted and properly trained.** At the very least, staff should have an understanding of the asylum process and be empathetic to the journeys/ experiences people seeking asylum have had. All staff must demonstrate cultural sensitivity and good communication skills. There should be same-sex staffing at Yarl's Wood (although this wouldn't guarantee there is no abuse). Under no circumstances should there be bonuses or other rewards for successful deportations.

- e. **Carry out a review of medical staff and protocols for delivering medical care in detention.** Current contracts should be reviewed; detainees should have increased access to medical care; there should be no delays in receiving prescription medication; and fully independent psychiatric assessments should be made available.
- f. **Rule 35 requests should be honoured by the Home Office and no vulnerable person should ever be detained. Under no circumstances should children and young adults be detained.**
- g. **Make immediate improvements to the physical environment and conditions in Detention Centres.** These do not need to be intimidating, prison-like, environments. There should be an end to over-crowding and detainees should have single rooms, with windows, where privacy can be ensured. Flexibility and cultural sensitivity should be shown with regard to eating times (this will allow those that are fasting to eat when they need to, and will stop those who stay in their rooms because they are ill or depressed from missing out on meals).
- h. **Bring an immediate end to the practice of accommodating people seeking asylum with convicted criminals.**
- i. **End the labour exploitation of detainees in Detention Centre's, and ensure all detainees have sufficient support to afford basic necessities like toiletries and phone credit.**
- j. **There should be no barriers to staying in touch with the outside world** (provide phones that people can put own sim cards into on cheap networks; have un-restricted internet access and access to fax machines and photocopiers when needed for legal and medical documents; have longer visiting hours). This will stop people from being cut off from their support networks - which has a negative effect on mental health - and will enable access to justice.
- k. **All detainees should have timely, automatic, access to free legal advice and should be made aware of their rights in detention.**
- l. **MPs should be given powers to continue to represent people when they have been moved out of their constituency for detention.**
- m. **Set a time limit for detention.** People accused of terrorism offences can only be held for 28 days but routinely asylum seekers are held for years. Detainees should be released after a fixed period of time. If they have committed a crime, they should be tried in court, as would anyone else in the criminal justice system.
- n. **When released from detention, there should be a follow-up care plan, addressing any housing or health needs.** Signing period at reporting centres should be minimised, so as not to cause deliberate inconvenience and mental distress.