

Parliamentary Enquiry on Detention: Submission from MIDST

Executive Summary

This submission is made under the following headings.

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- HMIP reports on Pennine House:
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- Oppressive and Intrusive Questioning by Immigration Officers:
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- Arrangements for Visits by Family and Friends:
- Health and Well-being:
- Use of mobile phones and computers in Pennine House:
- Women in Detention:
- Shame and Bewilderment.

We have made a number of recommendations for change, and highlighted a number of the recommendations made in 2013 by HMIP.

1. Who are we?

This submission is made by MIDST (Manchester Immigration Detainee Support Team). MIDST is a voluntary organisation that provides a listening and support service to individuals. Our group consists of volunteers from a range of backgrounds and ages. Our visitors attend Pennine House on three days of the week, spending up to three hours with those detainees who have requested a visit. We do not keep records but on average a member will perhaps see three detainees on one visit so we talk with perhaps 450 detainees each year. We have been doing this work for over 15 years.

There is normally only opportunity for small ways of providing practical help. We are on occasion able to contact a friend, collect property necessarily left behind in a flat, buy an item for a prisoner. But mostly we are there for detainees and prisoners for personal and emotional support, by listening and talking together. We work by agreement with those running the detention centre and the prison. We have also played a role in improving the nature of the experience of detainees. For example we have in the past provided books, newspapers and magazines. We have pressed over some years for the provision of a computer link and the right to have and use mobile phones. We provide important information to detainees, in particular about what they may expect in any other detention centre they may go to, and also about organisations like Freedom from Torture, Bail for Immigration Detainees and Medical Justice. Currently we have gone as far as raising concerns with the management about their interpretation of the Home Office rules about identification papers for family and friends visitors.

2. 2011 and 2013 Reports of HMIP on Pennine House

We have no doubt that the enquiry will consider these reports. We have welcomed each one of the points and recommendations that they make and would like here to highlight the comment they made in 2013: "We were disappointed to find that little had changed since our last visit in 2011". In the recommendations section below we will highlight those of HMIP recommendations that are particularly important to us and which remain unaddressed.

3. Access to Adequate Independent Legal Advice

In our visits we take care, as we must, to emphasise that we are not lawyers and cannot give legal advice. We are fully aware that to do so would risk being detrimental to the interests of the detainees. We are, though, aware that legal matters are very often at the top of the needs and interests of those we visit. Why are they being detained? What are the chances of avoiding removal? How can they challenge the perceived injustice of their treatment? Routinely we inform people that when (and if) they are transferred to a Removal Centre, they will be entitled to half an hour of free advice from an immigration lawyer. This is a very short time, and clearly insufficient to meet needs or justice. Recent government restrictions have led to this situation.

In our experience of working with detainees it is rare that we have left an individual confident that they are in receipt of adequate and affordable legal advice. This is especially true since the recent government restrictions on legal aid. At a recent visit two detainees reported having to pay £500 up front to a local solicitor. Others have reported solicitors failing to collate and put forward new evidence and going incommunicado at vital stages of the application (including when removal orders are received after failed appeals). This is something we hear about time and time again; solicitors charging extortionate amounts of money and providing a very limited and damaging service.

A phone call to the Community Legal Advice telephone number quickly establishes that unless a call is about asylum then no free advice can be provided on immigration matters.

Our printed information, which we are able to leave with those we visit, gives contact details for the one remaining organisation in Manchester which offers free legal immigration advice. The extent to which this can be offered has been greatly restricted by recent government action. On rare occasions they (Greater Manchester Immigration Aid Unit) are able to provide advice over the phone to people in Pennine House.

Detainees have a right to challenge the legality of their detention through bail hearings. Our written information gives the contact details of Bail for Immigration Detainees, and we encourage people to consider this where appropriate. We note their advice that although anyone might apply for bail themselves, those employing the services of a lawyer are more likely to be successful. That is available only to those who have the resources to employ a lawyer, which is very expensive. This is plainly unjust.

4. Questionable grounds for detention

We are not lawyers but do understand that detention should be a last resort. We very often meet people in Pennine House who appear, at least to us, to have given no indication that they might not comply with requests to report etc. There appears to us to be a systematic presumption that detention is necessary, when often this is unfounded (e.g. they report regularly, have a fixed address which they remain at/have family at). Given the impacts of detention on people (see below) this presumption should be rethought.

5. Oppressive and Intrusive questioning by immigration officers

In recent months we have noticed increasing numbers of people detained because their marriage status is being disputed. Whilst we acknowledge the Home Office's prerogative to check the legitimacy of marriages, we are concerned at the extent and manner of the questioning. We have heard several accounts of oppressive, unfair and bullying treatment, including unnecessary use of handcuffs to separate spouses, excessive lengths of interviews, and impossibly specific questions concerning minute details (e.g. 'at which café

did you meet', 4 years ago?). As well as specifically in relation to marriage, especially in Liverpool, we are more generally concerned about the adequacy of monitoring provisions for questioning procedures in general, which appear overly cynical and hostile.

6. Movement around the detention estate

We understand from HMIP reports that some 80% of detainees at Pennine House move on from there to a Removal Centre. A very high proportion of those we see already know when they will move and to what centre, and many who do not yet know will soon be told. We play a role in giving information about what to expect in their new centre and providing the telephone number of the visiting group there.

We are aware of a lot of movement between centres, often at night and at unsocial hours. This is very upsetting for the detainees. We have read in an IMB newsletter that this excessive shuffling around may be because of an informal policy of keeping occupancy rates up at different centres. The practice is certainly unsettling and increases pressure and anxiety.

A particular concern is that we are frequently made aware of detainees who are being transferred to Dungavel IRC in Scotland, disrupting their legal representation as they are no longer resident in England and their legal representatives are not able to work in the different jurisdiction of Scotland.

7. Treatment in Police Stations

For a number of years now we have held a concern about the treatment of people held under immigration laws in police stations. Very frequently we hear detainees say that their treatment in police stations in our region, especially overnight, prior to their transfer to Pennine House, was very inadequate. We frequently hear reports of discomfort, inappropriate food, poor levels of heating or bedding, poor communication from police officers and sometimes outright racism. Belongings are taken from individuals and not returned, including money, mobile phones and other valuables. This is an issue which we have attempted to take up with the Independent Custody Visitors' Association, so far unsuccessfully. It is very often that visitors to Pennine House are told by detainees, "It is OK here, but it was different in the police station." One detainee went so far as to say that in the police station he was treated, "like an animal" and another that it was like "being in a coffin" because for many hours no-one came or spoke or brought food. One woman detainee spoke of having been left without food for 36 hours.

8. The Impact of sudden, unexpected detention

Detention often happens suddenly and with little or no expectation on the part of the detainee. This leads to a number of serious problems, causing distress and disruption for many. Often we meet people who have been living in the community for years. They have friends, accommodation, connections, and personal belongings of importance to them. Suddenly and without preparation they find themselves in a police station or in Pennine House and have not been allowed to go home to make any arrangements. Who will pay the rent? Without my address book/phone, how can I contact the people I need to contact? How can I make sure I have with me my university certificates, identification and other official documents? What shall I do about the car I borrowed/hired and is parked outside? There are photographs and letters that I treasure; how can I have them with me? How shall I get the medication that I should take daily? In addition to the disorientation and distress many feel upon unexpected detention, the disruption it causes for people who are subsequently released is also a serious concern. Some lose their accommodation and therefore have even to move city.

Whilst we at MIDST do our best to aid detainees in these matters (e.g. by collecting possessions with their permission), we feel that this systematic use of unexpected detention should be rethought. At least, we suggest, people should be allowed to gather their possessions and prepare for the disruption before being detained.

9. Arrangements for visits by family and friends

We are concerned about the adequacy of arrangements for visits by family and friends to Pennine House. Recently a visitor was turned away as she attended with a child to whom the detainee was step father. As the child had no proof of ID and was not biologically related, the visitors were turned away. This was the last chance for this child to visit their step father before he was moved miles across the country. Similarly the partner of a detainee drove from Carlisle, missed the visiting hours by 30 minutes and was turned away. The detainee was removed to Thailand the next day without seeing his partner

10. Health and Wellbeing

Some detainees have physical health concerns. There is an on-site duty nurse at Pennine House, and detainees usually have access to routine medication.

The enquiry will be aware that last August there was a death in custody of Tahir Mehmood at Pennine House. Obviously we are very concerned, and we await the findings of the coroner's hearing to know whether the health needs of this detainee were appropriately met. We understand he had a heart attack.

We are very concerned about the mental well-being of detainees. Many detainees appear acutely stressed, disorientated and uncertain about what is happening to them and where they will be taken. Many report psychosomatic symptoms aches and pains, Irritable Bowel Syndrome, insomnia. We are not doctors but we often meet the obvious symptoms of depression and anxiety. This is particularly worrying as some detainees experience the ongoing effects of trauma. From our experience the majority of people we visit would be classed as vulnerable adults.

Access to outdoor areas, where they can get fresh air, exercise, or smoke, is important for people's well-being and ability to deal with stress. Such access is severely limited at Pennine House to two small caged areas and, from what we are told, only for short and infrequent periods

11. Use of mobile phones and computers in Pennine House

We heartily welcome the decision, perhaps two years ago, to allow detainees to use mobile phones and to provide computers for their use. On arrival a detainee is asked if his/her mobile phone is also a camera. If not it can be taken in. If it is a camera, then a more basic model is loaded and the detainee is allowed to install their own sim card in it. Huge use of mobile phones is made from within the centre.

We have heard complaints from a number of detainees that the internet sites they wanted to use, including those of their own solicitors, had been blocked. We know that there is a Home Office wide decision to block some sites and think that this is wider than it need be. On occasion some of the sites that we recommend as useful are reportedly blocked. All sites that are legal and appropriate for detainees should be available.

There is little that is more important to detainees than the ability to communicate with family, friends and solicitors.

12. Women in detention

Women often appear the most vulnerable of detainees at Pennine House. This is in no small part due to the fact that they often make up a very small minority of detainees. Often there is only one woman detainee in Pennine House. We are concerned for the welfare of women in detention, especially where language barriers leave women unable to communicate and seek reassurance from female members of staff. HMIP's report on Pennine House from January 2011 states "The residential areas were reasonable but women shared communal areas with men, who were located on the same corridor. Toilet and shower doors could not be secured and bedroom doors could only be locked by staff. Wardrobes in the bedrooms could not be locked." The basic situation in Pennine House is in itself distressing to some women who are used to never being with a man who is not a close family relation and are now forced to share public space and facilities with men.

13. Shame and Bewilderment

In our conversations with detainees we often explore which friends and family are in contact and who provides emotional and practical support. It is not infrequent that we discover that the detainee has not told anyone and does not intend to tell anyone, even parents. These detainees are likely to confess that they are acutely ashamed even to be in custody. They may say, "I have never in my life been in trouble with the police and don't understand why I am here." They treasure their personal understanding of being a reliable, law-abiding, tax-paying and conscientious member of society. This may be connected with strong religious conviction. Such experiences of shame and bewilderment are the result of the UK's systematic use of detention, and should make us question the culture behind this automatic presumption of the need to detain.

14. RECOMMENDATIONS

- Detention should be avoided unless it is clearly necessary; it should not be routine.
- There should be access to good quality free and independent legal advice for as long as it is necessary for each individual case
- Detention in police cells should be avoided wherever possible and in any case used only for short periods
- Inefficient, inhumane, expensive and needless transfers between immigration detention centres should be avoided.
- Provision should be made for people to collect belongings and make necessary arrangements prior to detention. It should be the duty of an arresting officer to allow a person to go home before being detained.
- Questioning of people detained by immigration officers should always be done in a respectful manner. There is need for a change in the bullying culture that seems to be developing in the questioning over marriage and other matters
- Women's accommodation in Pennine House should be separate in all aspects.
- The recommendations from the HMIP 2013 Inspection should be implemented in full. In particular we would like to highlight the following of particular concern for us:
 - Routine transfers between centres should not take place at night. 2.2
 - Women's accommodation should be separated from men's, with bedrooms, toilets and showers and an association area inaccessible to male detainees. 2.8
 - The specific needs of women detainees should be assessed and met 2.11
 - All detainees should have unimpeded access to welcoming outside areas 2.12
 - A more suitable location should be found for visits. 2.13
 - The internet should become a meaningful resource for communication, information and recreation for detainees at all immigration facilities. Detainees should have access to all documents and websites, including social networking

- sites and Skype, unless an individual risk assessment indicates otherwise. 2.14
- Bail application forms and the Bail for Immigration Detainees handbook should be freely available. 2.20