

1. I am submitting evidence as a volunteer visitor to detainees in the Colnbrook and Harmondsworth immigration detention centres for the past 3 years. I became a visitor through the Jesuit Refugee Service (UK), chiefly with the help and advice of Sister Margaret Baxter who has the primary responsibility in the JRS for organising visitor and other services to those detainees whom she meets on her own weekly visits. She also, through the staff of the centres, ensures that visitors became familiar with conditions there, and holds regular volunteer meetings on JRS premises at which detainee welfare – physical, mental and spiritual – can be discussed. However, what follows is my own opinion entirely and not in any way prompted by the JRS.
2. The absence of any time limit for immigration detention is a key focus of the Inquiry. It has also become a key concern of my own, because for over 2 of the past 3 years I was visiting one of the detainees who gave oral evidence at the Inquiry on 17 July 2014. He had been detained under immigration powers since August 2011. By the time he was released on 5 August 2014, following a series of 8-9 unsuccessful bail applications, he had therefore been in detention for almost 3 years. The impact on his mental health of the prolonged confinement and uncertainty of release had been severe and by the third year, he was on constant medication.
3. I note that the Bail Guidance for Immigration Judges dated 11 July 2011 states, at paragraph 18, that *“it is generally accepted that detention for three months would be considered a substantial period of time and six months a long period”*. Why, then, are First Tier judges apparently ignoring this advice? From attending a number of bail hearings, I have concluded that when they refuse bail, they do so because the information about the bail applicants presented to them is so unreliable. I have noted a number of factual errors and discrepancies in summaries I have seen. But what pressure is there to be accurate? If the Home Office wishes to keep a detainee inside, for whatever reason of its own, it is a simple matter to draft a bail summary presenting that person’s history and character in the worst possible light. No records are kept of bail hearings – all that is recorded is the judge’s reasons. Therefore, if the same applicant returns for a fresh hearing before a different judge, the new judge will not know what information was put before the previous one, or whether it was true or false, and will have before him or her only what the Home Office wants to say now about the detainee. This makes it an easy matter for the Home Office to get its way for a particular detainee, because the judge will always feel on safer ground in refusing bail if the Home Office does not want it granted because its political masters need to keep immigration under control. The risk of ‘absconding’ can always be used, and is used, as a pretext for refusing bail, since there is no way of telling what a particular detainee may or may not do once he is at liberty.
4. This makes the bail hearings a travesty of justice. Even with the best of legal representatives, there is no equality of arms between a detainee and the Home Office. The consequence is ‘disproportionate’ terms of detention and severe mental suffering for the many detainees who cannot see any end to their confinement once they have been refused bail.

5. The only remedy, I am convinced, is for Parliament to set its own limit to immigration detention at a maximum of six months. That is long enough for the future of an unlawful immigrant to be determined, whether by deportation if justified, or by the courts. Given the current restrictions on Legal Aid, many detainees now do not have a solicitor anyway. Setting a reasonable time limit on detention would force all the agencies involved to “get their act together” for a speedy resolution of individual situations, especially where a detainee qualifies for the assistance of the authorities under the 1951 Refugee Convention.

6. Mention must also be made of the human trafficking which underlies so much illegal immigration from Africa. The UK Government, which along with Italy receives far more than its fair share of the trafficking victims, must urgently press the EU Commission for a pan-European solution to the trafficking. There is a newly-appointed Commission now, and a new UK Commissioner, Lord Hill, who should be working closely with Federica Mogherini of Italy on new policies to crack down on traffickers operating both in and outside the EU.

Patricia Wheeler LL.M
11 Orchard Mews
London N1 5BS

Tel. 020 3632 2043
Mob. 07788 659 743

pmlwheeler@gmail.com