

Parliamentary Inquiry into Immigration Detention

Refugee Action Written Evidence September 2014

Introduction to Refugee Action

- 1.1. Refugee Action is an independent, national charity working to enable refugees to build new lives in the UK. We provide practical support for newly arrived asylum seekers as well as long-term commitment to their settlement. Through our Choices Assisted Voluntary Return (AVR) Service and Gateway Protection Programme, the Home Office funds us to give confidential, independent and non-directive advice and information to asylum seekers, refugees and irregular migrants on a breadth of topics. We also offer support through a range of independently funded projects.¹
- 1.2. Refugee Action's Choices service has been offering assistance to a wide range of individuals considering voluntary return since 2011, including people who are in immigration detention. Between April 2013 and March 2014, Refugee Action assisted almost 7,000 people to apply for the AVR programme and 4,257 people to return. Over 50% of returnees were detained in Immigration Removal Centres (IRCs) at the point of application.
- 1.3. Refugee Action is grateful for the opportunity to contribute to the Parliamentary Inquiry into Immigration Detention. We would very much appreciate an opportunity for our Chief Executive (in person) and a small number of our formerly detained clients who are now overseas (by telephone) to provide oral evidence to relay our and their experiences directly to the panel. If we can assist further please contact Dave Garratt, Chief Executive daveg@refugee-action.org.uk.

Executive summary

- 2.1. Refugee Action believes that arbitrary immigration detention and inhumane removal processes have no place in the UK.
- 2.2. Refugee Action makes the following further recommendations:
 - 2.2.1 Parliament should legislate to reintroduce the right for any immigration detainee to have the decision to detain them reviewed via a prompt, independent, automatic bail hearing in line with those contained in the Immigration and Asylum Act 1999.
 - 2.2.2 In line with the 2007 recommendations of the Joint Committee on Human Rights, Parliament should limit the Home Office's power to detain by making it subject to a statutory maximum time limit of 28 days.²
 - 2.2.3 The Home Office should reverse the ban on immigration detainees returning to their countries through AVR programmes.



¹ Alongside our Home Office-funded reactive advice services, we have substantial experience delivering innovative, proactive advice services, including the key worker pilots in Liverpool and Manchester, Fresh Start project in Leicester and Bristol women's project. For more information please visit our website at www.refugee-action.org.uk

² Joint Committee on Human Rights, The Treatment of Asylum Seekers: Tenth Report from Session 2006-07, 22nd March 2007, para 276 <http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/trights.htm>

What are the impacts of immigration detention on individuals, family and social networks, and wider communities?

- 3.1. Refugee Action has a network of overseas partners who we contract to deliver services to people after they have returned to their countries through AVR. Agreds-Ghana is our partner in Ghana and before April 2014, their work included supporting the reintegration of people who returned through AVR directly from immigration detention.
- 3.2. Agreds-Ghana report significant differences between people who return from detention and people who return from the community. They say those who return from the community are usually “mentally sound, stable and find their way”, whereas those who return from detention are often “emotionally charged, angry, bitter and their experience of being detained haunts them”. Agreds-Ghana report that people who return from the community usually have many belongings from the UK, but people who return from detention have very little - often just a polythene bag given to them in the IRC containing very few belongings. Their belongings often remain wherever they were when they were arrested and detained in the UK. This makes reintegrating practically difficult, in terms of not having things like pots and pans to cook with, but it also causes difficulties in relationships with friends, family and the community. Friends, family and the community usually expect people to be returning with more. So people returning without belongings can be stigmatised, feel a sense of shame and often experience resentment from their families - particularly if the family funded the initial migration. Agreds-Ghana say it can take 2-3 months longer to build up trust with someone returning from detention than someone returning from the community. The returnee will often perceive them to be affiliated to the structures in the UK that arrested and detained them. As a result people returning from detention require more patience and an approach that focusses on trying to build up trust straight away. All these factors hamper Agreds-Ghana’s ability to support the returnee with reintegrating and make it a much longer and more difficult process.
- 3.3. Our overseas partner in Bangladesh reports similar difficulties assisting people who have been detained in the UK with integrating into life in Bangladesh. Caritas Dhaka say returnees report food in detention often being inappropriate and that this sometimes exacerbates health problems. People are often detained for months before returning and Caritas Dhaka say they report feeling “caged”. They can then find it hard to adapt to life in Bangladesh and are often confused after returning – seeming unsure whether they are safe or not.

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

- 4.1. Refugee Action is in contact with people who have returned to their countries through AVR after being detained and who would like to provide their own oral evidence to the Inquiry.



Inquiry Submission

- 4.2. Client 1 returned to Ghana after one month's detention in Morton Hall. He told us he wanted to go home because of the conditions in detention. He said that his "liberation" was "like coming out of a dark room. It takes a while to adjust." He is looking for work and says that whereas he seems physically well, and he is physically free, he is not free in his mind.
- 4.3. Clients 2 and 3 have similar stories. Both had health conditions before being detained. Both had claims for asylum and said they feared for their safety in Bangladesh but decided to return there because they had greater fears about the impact that conditions in detention were having on their health.
- 4.4. Client 2 has high blood pressure, diabetes and a heart condition. He became sick in Harmondsworth but was unable to see a doctor until his lawyer advocated for him to see one. The doctor prescribed antibiotics that made him better. He said the food in Harmondsworth and Morton Hall was very significant for his health. He complained in Harmondsworth about being given only rice but rather than being given alternative food, he was locked in his cell. He also complained about the food in Morton Hall. He says the rice was hard and uncooked. There was salad, but the queues for food were very long and one day by the time he got to the front, there was none left. He complained and says he was subsequently restrained, pushed and thrown outside. Once outside, one officer began giving him some water but was stopped by another who told him not to. His health deteriorated and he spent some time in hospital. He applied for bail but it was not granted. Eventually, with his health deteriorating and fearing he might die in detention, he decided to apply for voluntary return to Bangladesh. But he said he does not want to be there.
- 4.5. Client 3 had a heart attack around a year before being detained. Doctors told him he should "take things easy" because of his condition. He spent 2 months in Dungavel and said things were not too bad there. He was not locked up between 7am and 8pm and was able to get doctor's appointments when needed. He then spent 1.5 months in Harmondsworth which was a much more difficult experience for him. Rather than taking things easy he describes being very tense and not being able to think clearly. The officers were unfriendly and unhelpful and it was very crowded with lots of people in the Detained Fast Track. There were few places to sit in the dining area and crowds at the mosque and playground. He became sick but was unable to see a doctor. His health deteriorated while he was there. He felt Bangladesh was dangerous for him and he could have continued with his asylum claim but decided to return because he was worried his health would deteriorate further if he spent longer in detention. Back in Bangladesh, life is hard and he stills feels in danger there.
- 4.6. Communicating by phone with returnees overseas can sometimes be challenging but we would like to set up phone calls whereby our former clients can provide their own oral evidence directly to the inquiry.



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

- 5.1. Having derogated from the EU Returns Directive, that sets a time limit for detention of 6 months with the possibility of extension by a maximum of a further 12 months³, the UK detains migrants indefinitely. Indefinite detention has been much criticised as having a disproportionate impact on mental health, creating a “picture of endemic mental disorder and distress” amongst long-term detainees.⁴
- 5.2. The psychological impact of indefinite detention on the wellbeing of detainees is irrefutable. A study in the British Journal of Psychiatry found high levels of mental health problems in detainees. The study found “anxiety, depression and post-traumatic stress disorder were commonly reported, as were self-harm and suicidal ideation” and that “time in detention was positively associated with severity of distress.”⁵
- 5.3. The decision to detain (which is taken by immigration officials) is not subject to automatic judicial oversight. The right to an automatic bail hearing for immigration detainees after 7 and 35 days in detention was provided for by law in 1999⁶, but three years later it was repealed without ever having been brought into effect.

Refugee Action recommends:

- 5.4. Parliament should legislate to reintroduce the right for any immigration detainee to have the decision to detain them reviewed via a prompt, independent, automatic bail hearing in line with those contained in the Immigration and Asylum Act 1999.
- 5.5. In line with the 2007 recommendations of the Joint Committee on Human Rights, Parliament should limit the Home Office’s power to detain by making it subject to a statutory maximum time limit of 28 days.⁷

What are your views on the current conditions within UK immigration detention centres, including detainees’ access to advice and services? Please highlight any areas where you think that improvements could be made.

- 6.1. Refugee Action is currently the only organisation in the UK that receives funding from the Secretary of State through the Home Office to deliver AVR programmes in the UK. Refugee Action delivers these through its Choices service. Refugee Action’s Choices service is confidential, impartial, independent and free. Our role is not to persuade people to return, or not to return, but to provide people with sufficient information to make an informed decision. If they do decide to return, we aim to support them to make as sustainable a return as possible.



³ DIRECTIVE 2008/115/EC Chapter iv, Article 15, paras 5 and 6

⁴ Detention Action, ‘Submission to the UN Special Rapporteur on the Human Rights of Migrants: Immigration Detention in the UK’, (January 2012), p.7

⁵ <http://detentionaction.org.uk/wordpress/wp-content/uploads/2011/10/unspecialrapporteursubmission0112.pdf>

⁶ Robjant, Hassan and Katona ‘Mental health implications of detaining asylum seekers: systematic review’ BJP 2009, 194:306

⁷ Immigration and Asylum Act 1999, Part III Bail hearings for detained persons, para 44

⁸ <http://www.legislation.gov.uk/ukpga/1999/33/section/44>

⁹ Joint Committee on Human Rights, The Treatment of Asylum Seekers: Tenth Report from Session 2006-07, 22nd March 2007, para 276 <http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/itrights.htm>

- 6.2. Between April 2011 and March 2014, this work was funded via a grant agreement that covered AVR for people in detention as well as people in the community. Refugee Action supported people in IRCs who were considering voluntary return by carrying out weekly 'surgeries' in IRCs to ensure that people had access to the information they needed in order to decide whether or not to return via an AVR programme.
- 6.3. Between April 2013 and March 2014, Refugee Action assisted almost 7,000 people to apply for the AVR programme and 4,257 people to return. Over 50% of returnees were detained in IRCs at the point of application. Refugee Action's grant agreement to provide AVR services has been extended until March 2015 but with a reduction in the amount of funding available and with no mandate to provide services to people in detention from 1 April 2014.
- 6.4. The benefits of the Choices service, and AVR programmes, for people in immigration detention - as compared to the Home Office's 'Voluntary Departures' scheme⁸ or forcible removal - were that people:
 - 6.4.1. Had access to confidential, non-directive advice and information to help them decide whether or not returning was the right decision for them.
 - 6.4.2. Received assistance to obtain travel documents from the relevant Embassy or High Commission.
 - 6.4.3. Received not only the cost of the flight back to their country but also the cost of onward travel within their country to their final destination – often costly in large countries.
 - 6.4.4. Returned as ordinary passengers, on normal flights (not charter flights) so that the receiving authorities were unaware if they had claimed asylum in the UK, or had been 'removed'.
 - 6.4.5. Could be met at the airport in most cases – for example, if they were nervous about return, and could receive assistance with onward travel from the airport to their final destination.
 - 6.4.6. Received financial assistance in many cases (asylum seekers, refused asylum seekers and those with some forms of temporary leave received £1,500 per person; families received £2,000 per family member, and irregular migrants who were accepted by the Home Office to be particularly vulnerable received £1,000).
 - 6.4.7. People receiving financial assistance were referred to local NGOs in the country of return where available, to assist the individual to reintegrate. This could be by providing training opportunities, referring to local employers, assisting an individual to start a business, and/or by supporting the returnee to settle back into their community.
- 6.5. As a result, returns under an AVR programme are not only more dignified, but also more likely to result in an individual being able to support themselves and make a sustainable return, than those who are forcibly removed, or who return through the Voluntary Departures scheme without support. In contrast, in cases of those who return via a forcible removal or the Voluntary Departure scheme:



⁸ Home Office Guidance on the 'Voluntary Departures' process, 23 October 2009, <https://www.gov.uk/government/publications/voluntary-departures-process>

- The individual is more likely to be alerted to the authorities on arrival, as they are more likely to return on a charter flight if forcibly removed. This may increase their risk of experiencing harm post-return.
- The individual is unable to take as much luggage back with them if forcibly removed and is therefore more likely to face higher set up costs on return.
- The cost of onward travel to their final destination within their country of return is not, to our knowledge, available for those who are forcibly removed or who return with the Home Office's Voluntary Departures scheme. This cost can be significant in larger countries, for example China and India.

- 6.6. Refugee Action assumes that the removal of AVR services from people in detention will impact on approximately 2,000 people per year (based on the AVR numbers from detention of 2,167 between April 2013 and March 2014).
- 6.7. When the Home Office stated that they would cease Refugee Action's service delivery of AVR in IRCs as of 31 March 2014, they also stated⁹ that they were intending to propose a new returns programme for people in IRCs without Refugee Action's involvement. It was due to begin on 1 April 2014, but at that stage had not been signed off by senior Home Office staff. It was intended to offer a lower level of support and be run by IRC providers.
- 6.8. However, at the end of March 2014, one week before Refugee Action's AVR services ended in IRCs, the Home Office informed us that this programme would not be progressed and there would be no alternative returns programme for people in detention.
- 6.9. To our knowledge there has been no consultation with stakeholders about the withdrawal of a voluntary return programme in its entirety from immigration detainees. We have not seen an equality impact assessment establishing whether the removal of voluntary return from immigration detainees will disproportionately impact on any particular groups. The Home Office had not provided reasons for the withdrawal of the voluntary returns programme for immigration detainees in its entirety until a month after the service was withdrawn.
- 6.10. In a Voluntary Return Steering Group (VRSG) meeting¹⁰ on 8 May 2014, the Home Office cited the reasons for withdrawing AVR in detention, stating:

"In recent years AVR has been used increasingly by those detained for removal with Immigration Removal Centres. This has reduced the incentive to apply for AVR in the community and has undermined one of the main reasons for operating the programme. AVR is not a last minute alternative to removal, and should be a considered decision.

At the point an individual is detained the Home Office will have incurred significant costs to locate, arrest and detain. It is therefore not appropriate that they should receive the same level of assistance as an individual who has complied with the Home Office earlier in the process.



⁹ Minutes of VRSG Meeting, 30 January 2014, Agenda Item 6

¹⁰ Minutes of VRSG Meeting on 8 May 2014. Agenda item 6

There are currently no plans replace AVR in detention with any alternative voluntary return programmes, although the impact of this will be monitored and assessed.”

- 6.11. In addition to the points made in paragraphs 6.4 and 6.5, this reasoning is not coherent for individuals detained under the Detained Fast Track procedures, who have had no opportunity to apply for AVR in the community, and who have in many cases been detained at the point of claiming asylum, and therefore have not incurred additional costs to the Home Office as a consequence of having to locate and arrest them. Many individuals are detained when they report at a reporting centre. It is not clear whether the Home Office incurs significant costs in locating and arresting these individuals either. In Refugee Action’s view, withdrawing an assisted voluntary return option from those in detention is likely to increase costs to the Home Office because people who could or would have chosen to return under AVR but will not return under the Home Office’s Voluntary Departure scheme will remain in detention for longer periods, or be forcibly removed at a higher cost. We are not aware of any cost analysis that has been carried out to establish whether the change in Home Office policy has resulted in longer periods of detention, fewer overall returns, and more forcible removals which are significantly more expensive, and in our view significantly less dignified and humane, than returns through an AVR programme.

Refugee Action recommends:

- 6.12. The Home Office should reverse the ban on immigration detainees returning to their countries through AVR programmes.

