

Inquiry into the use of Immigration Detention: written evidence submitted by Scottish Detainee Visitors

1. Executive summary

- 1.1. SDV recognises and supports the inquiry's wish to hear the experience of detainees. However, the very fact of detention makes it difficult for their voices to be heard.
- 1.2. We are concerned about the moving of detainees around the detention estate. This has a particular impact on detainees in Scotland, due to the differences between the legal systems in Scotland and England.
- 1.3. Detention has a negative impact on detainees' mental and physical health.
- 1.4. Dungavel is a mixed centre but the vast majority of detainees are male. This means female detainees can feel particularly isolated and vulnerable
- 1.5. Detainees are often detained without their personal belongings. SDV makes efforts to reunite them with their property but this is not always possible and detainees are removed without important personal items.
- 1.6. Detainees report a range of problems in accessing appropriate health care in detention.
- 1.7. The geographical isolation of Dungavel makes it even more difficult for detainees held there to maintain their social and legal support networks.
- 1.8. The lack of a time limit on detention is the cruellest aspect of a cruel system and amplifies all of its negative impacts on detainees. It also encourages and enables inefficiency and poor decision making on the part of the Home Office.

2. About Scottish Detainee Visitors

- 2.1. Scottish Detainee Visitors is an independent charity providing a visiting service to detainees in Dungavel. With the support of part-time coordinator our team of thirty volunteer visitors visit people detained in Dungavel IRC twice a week to offer practical, social and emotional support. We are the only organisation in Scotland whose primary purpose is to visit Dungavel to support detainees and as such are in an ideal position to provide evidence to the enquiry. In addition to the service we provide to detainees, we work in partnership with other organisations to campaign for change and to challenge the use of immigration detention.
- 2.2. Since our inception in 2002, we have visited over 1400 people in Dungavel. In the first six months of 2014, we visited 80 detainees (10 women and 70 men). The detainees we visited came from 24 different countries. One of the detainees we

visited in this period received his first visit from us in April 2012 and another received his first visit in July 2013.

3. About Dungavel

3.1. Dungavel opened as an Immigration Removal Centre in 2001 and is the only IRC in Scotland. It is in an isolated position to the south of Glasgow in South Lanarkshire. It is approximately an hour's drive from Glasgow City Centre and is not on any public transport routes. It has capacity to hold 249 detainees. The majority of places are for men but there are 14 places for women.

4. A note regarding submissions from detainees

- 4.1. SDV recognises and supports the importance that the inquiry has put on hearing detainees' voices and as an organisation we have done our best to facilitate this. However, the process of doing so is problematic for a number of reasons.
- 4.2. Firstly we believe that detainees need to understand the nature and purpose of the inquiry and the role their submission will play. This information is difficult to deliver when all of the detainees we see have English as an additional language in varying abilities. Reading English is not an option for many detainees. Therefore to submit evidence relies on SDV visitors explaining the inquiry to detainees face-to-face when we visit.
- 4.3. As a result of these language difficulties, we have found that detainees prefer to give their evidence orally to an SDV visitor to be written up later. This leads us to the second problem. The only space in which detainees in Dungavel can be visited is the designated visit room. This is a large open room with no private space and officers are present at all times. While this is arguably acceptable when explaining the inquiry, it does not allow for a safe and confidential space for detainees to give a full picture of their experiences in detention.
- 4.4. Recording devices are not allowed in the visits room. When collecting evidence from detainees, our visitors have taken detailed notes and have made every effort to record their views accurately. But despite our efforts, these may not always be their actual words as they are mediated through our visitors.
- 4.5. Furthermore, poor mobile phone reception in the centre and its grounds means it is not possible for submissions to be conducted over the phone where the detainee could go somewhere more private.
- 4.6. Detainees have also told us that they have had difficulty in accessing the inquiry's website from detention. We understand from colleagues working in other centres that this experience has been shared by detainees elsewhere.
- 4.7. We ask for the inquiry to acknowledge these issues both in relation to the barriers that immigration detention creates in allowing the voices of detainees to be heard by the inquiry, but also as elements of their daily, lived experiences.

5. What are your views on the current conditions within UK immigration detention centres?

- 5.1. Our understanding from the detainees we speak to and the official inspection reports is that the conditions in Dungavel tend to be better than in the UK's other immigration detention centres. However, this does not mean that conditions are good. We have several areas of concern.
- 5.2. Detainees are subject to apparently arbitrary moves around the detention estate. Many of the detainees we see have spent time in several IRCs and often do not understand why these moves have happened. Such moves have the effect of disrupting social support networks and legal representation. When the move is to Dungavel from an English centre or vice versa, this disruption is magnified by the fact that the English and Scottish legal systems are different.
- 5.3. Moves of detainees from Dungavel to England often take place just before an attempt is made to remove them. This can have particularly serious repercussions as it may not be possible for their Scottish solicitor to make representations on their behalf in England and they may not be able to find an English solicitor in time to challenge a possibly unlawful removal.
- 5.4. The recent draconian cuts to legal aid in England do not apply in Scotland. As a result, most of the detainees we see are, or can be, legally represented. However, the isolated position of Dungavel means that their solicitors are unable to visit them regularly. Communication, where it happens, is often by letter or phone and we have concerns that detainees do not fully understand the legal position they are in or the advice their solicitor is giving them. We are also aware that, due to Dungavel's geographical isolation, mobile phone reception is poor making contact with their lawyers difficult and can result in important information not being communicated.
- 5.5. Dungavel's remote location also makes it difficult for family and friends to visit. This is particularly relevant for detainees who have been moved from England. Currently, visitors can be picked up from Hamilton train station (14 miles/30 minute journey from Dungavel) in a staff member's car, advertised as a 'bus'. For families travelling from England without a car, this journey is extremely challenging and expensive as no accommodation for visitors is provided.
- 5.6. The situation of women detainees is a cause for grave concern. There are just 14 bedspaces for women in Dungavel compared to 235 for men. Over the years that we have visited it has not been unusual for just one or two women to be resident in the centre. This can be particularly isolating and frightening. In a film made by SDV, one woman who had been detained there described it as being "like a chicken surrounded by dogs".
- 5.7. Access to health care is also a cause for concern. Detainees report that they have difficulty getting an appointment with a doctor. There are also problems with medical notes not being transferred between centres, and with people not having appropriate medication.

- 5.8. Our experience is that it is not uncommon for people to be brought into detention without having the opportunity to collect any of their belongings. This means that they face long periods of detention without important personal paperwork, mementos, clothes and valuables. They also face removal from the country without ever being reunited with their property. Staff in Dungavel are no longer able to collect property for detainees, due, we have been told, to funding cuts. They therefore increasingly ask us if we are able to do so. We help whenever we can. At the time of writing, we have received a request to help retrieve a detainee's belongings from Portree in Skye before his removal in two weeks. Happily, the parents of one of our visitors were driving south from Skye after a holiday and were able to assist in this case. As a small charity with limited resources we were only able to help because this was the case. Unless the property is in Glasgow or the surrounding area, the more likely event is that someone suffers enforced removal from the country without even the comfort of their personal belongings.
- 5.9. Detainees also tell us of the monotony of life in detention. Activities are provided but detainees tire of them and in the context of indefinite detention, they can seem pointless. They also complain of the monotony of the food that is provided.

6. How far does the current detention system support the needs of vulnerable detainees?

- 6.1. Detention is no place for vulnerable people. Our experience, however, is that they are frequently detained. We have met detainees with serious physical health issues including those who had scars that would strongly support their claim to have been tortured.
- 6.2. We have met also met detainees suffering from mental ill health. This includes detainees with pre-existing serious mental health conditions, such as schizophrenia, and people whose mental health has deteriorated as a result of their detention.
- 6.3. We have noted above that detainees have expressed difficulties in accessing medical professionals and have reported being refused an appointment with a doctor. This may be exacerbated in the case of access to mental health professionals.
- 6.4. Visitors have also expressed concerns that detainees are “over-medicated” and have been given anti-depressants and sleeping tablets to help them cope with the pressures and stresses of detention.

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

- 7.1. Detention has massive impacts on detainees. People who enter detention in good physical and mental health become ill and depressed while living with the fear and uncertainty inherent in detention. The impacts on those who are already vulnerable are even greater.

- 7.2. Detention splits families and fractures friendships. In response to the UN Convention on the Rights of the Child and in recognition of the child's right to family life, prisoners will be placed in prisons as near as possible to their family to enable them to maintain family ties when in prison. In detention there are no such procedures.
- 7.3. Many of the people we visit in Dungavel have been in the UK for many years, often having partners, children and wide social networks. Frequently those social networks are in other parts of the UK. Keeping in touch with loved ones in detention is difficult, costly and time-consuming. When detention has no limit, this state of affairs can last for months and even years. Children don't see their fathers, wives don't see their husbands, and friends don't enjoy friends' company and support.
- 7.4. As visitors to detainees we try to mitigate these effects but we see weekly the corrosive impact separating people from their families and friends can have on detainees' morale and also on the wellbeing of children and partners who depend on them.

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

- 8.1. The lack of a time limit on immigration detention is the cruellest aspect of a cruel system. In contrast to people entering prison, people entering immigration detention have no idea when their incarceration will end. The impacts of detention noted above are all amplified by the fact that there is no time limit.
- 8.2. We frequently see people whose detention lasts months and are currently visiting detainees whose detention has lasted years. As noted above detention has a serious impact on people's mental health because it entails living with constant uncertainty. It also places great pressure on detainees' families who do not know what is happening and are unable to explain to children what is happening to their parent in detention.
- 8.3. According to the Home Office Enforcement instructions and guidelines "detention must be used sparingly, and for the shortest possible period necessary". We have found that in practice detention is often the first option, particularly if a detainee has a criminal record, and there is little demand placed on the Home Office to show that they are actively trying to return a detainee. While detention should only be used when removal is imminent (unless there is a risk to the public), there is no oversight of this through judicial procedures to ensure that the Home Office is taking action. The lack of scrutiny of the Home Office in this area mean that inefficiency (including losing passports and documentation) and poor decision making are not held to account.

9. Are the current arrangements for authorising detention appropriate?

9.1. No. Detainees are often unclear as to why they are detained and feel that the system is opaque. We have met detainees who have been refused bail and then are released the next day. There is no judicial oversight to ensure that detention is necessary and appropriate. We believe there should be judicial oversight of decisions to detain over a certain length of time to hold the Home Office to account for its decisions.

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

10.1. Detention is costly and inefficient. It costs around £120 per night to keep someone in detention¹ and many detainees who are held in detention for over six months are released. For example, in the second quarter of 2014, 187 people left detention after being detained for 6 months or more. Of these, 57% were removed from the country but 43% were released into the community.²

10.2. We are also concerned that detention feeds into public fear of migrants. People will often assume that detainees are criminal because they are being held in prison-like conditions. It is well documented that the more contact people have with other groups the lower the levels of prejudice. In not allowing integration and detaining people (particularly fast-tracked asylum seekers) this prejudice is allowed to grow.

11. Recommendations

11.1. SDV supports the Detention Forum's recommendations that:

11.1.1. The government should introduce a time limit on immigration detention

11.1.2. Vulnerable people should not be detained

11.1.3. There should be improved judicial oversight of detention

11.2. SDV would also like to make the following additional recommendations:

11.2.1. Human beings should not be detained when they have not committed a crime or have completed any criminal sentence. Instead they should be able to live in the community and be treated with the dignity that all human beings, regardless of where they come from, deserve.

11.2.2. If detention is continued, the isolation in which detainees in Dungavel, and elsewhere, experience should be addressed. Accommodation should be provided for family and friends who have made lengthy journeys to visit their loved ones in detention.

¹ Migration Observatory <http://www.migrationobservatory.ox.ac.uk/briefings/immigration-detention-uk>

² Home Office: Immigration statistics, April to June 2014 second edition, August 2014

- 11.2.3. People should be detained as close to their home and social networks as possible.
- 11.2.4. Access to justice for detainees should be greatly improved.
- 11.2.5. A more frequent, reliable, affordable public transport service to Dungavel should be put in place.
- 11.2.6. A phone mast should be erected closer to the centre so that detainees have good enough phone signal to speak to people on the outside world.
- 11.2.7. Detainees should not be moved around the detention estate without being given a written reason for the move. This of particular relevance to detainees in Dungavel because of the different legal systems in Scotland and England, when being moved can take them away from legal representatives.
- 11.2.8. If detainees arrive in detention without their personal belongings, the centre should have full responsibility for getting their belongings to them.
- 11.2.9. A much wider variety of facilities and activities should be provided for detainees while they are detained.
- 11.2.10. A wider variety of foods, including those associated with different cultural traditions, should be provided as a matter of course.
- 11.2.11. Female detainees should only be supervised by female staff.