

Parliamentary Inquiry on Detention

Written Evidence from SYMAAG (South Yorkshire Migration and Asylum Action Group)

Executive Summary

This evidence from SYMAAG incorporates evidence from a partner organisation, ASSIST, and is based on the experience of activists and volunteers in the two organisations. It is also based on public meetings where people who had been detained related their experience in 2013 and 2014. In particular the submission draws on an evidence gathering session in Sheffield on 23 September 2014. The evidence in the submission replicates the findings of many investigations and research studies into immigration detention over the past few years.

The testimony and evidence we quote demonstrates major failings in the asylum process and immigration detention. It raises the central question of indefinite detention as an affront to a civilised legal system and with appalling effects on those faced with no prospect of release.

Conditions in the detention centres are varied but as described in the testimonies and evidence are exposed as brutal, uncaring prison regimes deliberately criminalising and disrespecting people seeking asylum, claiming rights in theory supported by the UK government in its ratification of the 1951 Refugee Convention.

Medical care in detention centres emerges as basic and totally inadequate. The needs of vulnerable people are often ignored. In particular as many other studies have demonstrated there is a woeful neglect of mental health in detention. Mental health issues are exacerbated by a context of often violent forced removal of people from centres.

Testimony below regarding recent (2014) experience of the ‘fast track’ process by Mr A exposes a process which simply fails to provide adequate legal advice, reasonable time limits, or even basic translation and interpreter services in French. There is no attempt to facilitate essential rapid communication with lawyers by fax or phone.

Evidence from experienced activists in Sheffield suggest that two of the alternatives to detention at present available – Bail, and Reporting and

signing - are in practice simply not working because of Home Office attitudes and practices.

SYMAAG recommends that Detention for immigration purposes should be ended and alternatives put in place; and that the Inquiry should seek from government an agreement with a time table for such reforms.

SYMAAG believes that clear time limits on immigration detention should be immediately introduced with rigorous judicial oversight.

SYMAAG calls for an immediate review of the 'fast track' asylum process.

Who we are

[SYMAAG](#) is an independent wholly volunteer organisation which receives no public funds and has been campaigning for asylum and migrant rights since 2007. SYMAAG has a wide membership of asylum seekers, and refugees; and individuals and supporter organisations, working in solidarity rights campaigning throughout South Yorkshire.

This submission reflects the collective experience of immigration detention and its impacts on those detained reported by activists in SYMAAG.

At SYMAAG AGM's in 2013 and 2014 refugees and asylum seekers gave personal testimonies on their appalling treatment in the asylum system, and the group has organised a public meeting in 2013 on the destructive effects of immigration detention without limit.

SYMAAG organised a local hearing to gather specific evidence for the Inquiry on Tuesday 23 September 2014 in Sheffield. At the hearing individuals with past and very recent experience of immigration detention movingly allowed those present to share their shocking experiences.

[ASSIST](#) is a charity founded in 2003 to help and support destitute asylum seekers in Sheffield. ASSIST has 350 volunteers (2012/13) working on help desks, accommodation, drop-ins, fundraising, organising events and defending asylum seekers rights.

Our Evidence

1. Experiences of living in immigration detention, including context and duration

- 1.1 People who came to our evidence-gathering event had been sent to different detention centres (Harmondsworth, Tinsley House, Campsfield and Morton Hall) and some had been detained in more than one centre. Their length of time spent in detention varied, but the husband of Mrs. C was still detained at the time of writing this report.
- 1.2 We are concerned that the conditions in immigration detention varied from centre to centre. Mrs. C said her husband, who had been detained for the past 4 months, had experienced a relatively reasonable regime at Campsfield, where he had access to recreation and services. After being moved to Morton Hall, he then had far less recreational time and was subject to a more restrictive regime, confined in his room for twelve hours a day.
- 1.3 We are also very concerned that individuals often do not understand the reason for their detention. Mr A arrived from West Africa with no understanding of the asylum system in the UK, simply seeking safety from persecution. After receiving support from the Francophone community in Manchester, he had to raise funds to go to Croydon and claim asylum. He believed that he would simply have to be interviewed and make his application. Staff at Croydon's Lunar House then informed him that he would be detained because he did not make his claim for asylum on arrival at the airport. Mr A described his horror, bewilderment and distress at being handcuffed, which brought back recent experience of imprisonment in his home country: *"I didn't know what detention was. The last time someone put me in handcuffs was in my country; the next time was in the UK"* (Mr A). Mr A. was to spend two months in detention, his experience suggests that there is an urgent need for a full review of the 'fast track' process.
- 1.4 We are increasingly worried that the practice of detaining people seeking asylum, without charge and without time-limit, contributes to the criminalisation of people seeking

protection from persecution. Claiming asylum is not a crime, and should not result in detention. In the words of Mr A, *“you seek help, but you get punishment.”*

2. The conditions in immigration detention, including your ability to access services such as legal advice, healthcare, pastoral support.

2.1 Generally, conditions in UK immigration detention centres are inhumane, at times horrific. This is not simply shown in published reports and from the work of investigative journalists, but also from the personal experiences of our members and asylum seekers who have worked with us to expose conditions in detention and the asylum process.

2.1 One of the most prominent worries of those who had experienced immigration detention was the lack of legal support and advice whilst detained. Mr A, in the ‘fast track’ process, from April this year, had immense difficulties in accessing good quality legal advice and narrowly avoided deportation as a result. On arrival in the UK, Mr A could only communicate in French, however many important documents (including a copy of his initial statement) were only given to him in English. It was only thanks to the intervention of a French speaking lawyer that he was able to challenge his initial negative decision and launch an appeal.

2.2 We are also worried that those who have their substantive interview whilst in detention are not being given enough time and support in preparing to present their case for protection. After two weeks of anxiety and depression, Mr A was rudely awakened at 5.30 am one morning and told (in English) he had to go for his interview. He was instructed to get his things together in 30 minutes and was handcuffed on the way to his interview. He did not understand and was confused and distressed. Eventually, his interview lasted from 9.30 am to 5.00 pm with an interpreter present. Again, Mr A received the transcript, but only in English. We do not believe this enables an individual to properly present their case for a safe haven from persecution.

2.3 We are very concerned that those thrust into the ‘fast track’ process such as Mr A are not given adequate access to phone and fax links in detention. Mr A was given just two days to appeal his claims refusal and there was one poorly maintained fax machine

for 400 people in the two wings at Harmondsworth. Mr A told us of a *“Bangladeshi man who had an hour to get a document to his solicitor and was faced with the usual very long queue for the fax machine. All of us in the queue agreed to let him use the machine. This meant that thirteen people’s documents were cancelled by the machine”*. Mr A was given a mobile phone with a SIM card that did not work in his wing. Staff at first refused to replace it which led to further delays in contacts with his lawyer.

2.3 Accessing decent physical and mental health care whilst in detention was also a concern raised by those who had been in detention and those who work closely with people seeking asylum. Mr A developed serious clinical depression whilst in detention (which he is still receiving treatment for) and at no time was he allowed an interpreter in his meetings with medical staff. Mrs C is also struggling to access the medical services in Morton Hall to arrange for a DNA sample to be taken to support her husband’s case.

2.4 Mr A was detained in F and G Wings when in Harmondsworth. He described the centre as having secure prison like conditions where he was locked in a shared cell for twelve hours a day. He had no external open air exercise or recreation area. At one stage he spent two weeks where he was never allowed outside the cell block.

3. Mechanisms to deal with mental, physical or emotional issues experienced prior to or during detention

3.1 We feel that people’s health (physical and mental) issues are routinely ignored or neglected in Immigration Detention Centres. Mr B felt that there was no pastoral care or medical care when he was in detention. Officers acted like prison guards: *“we’re treated like prisoners”* (Mr. B). Often, detainees are expected to share cells between 4 – 6 individuals. We are concerned that this lack of privacy has very negative impacts on individuals’ mental health.

3.2 Mr A developed severe clinical depression in Harmondsworth. He constantly sought medical assistance and was only given paracetamol by detention centre medical staff. He was never offered interpreter services to explain his symptoms of clinical depression. When he finally managed to be seen by a doctor, he was told he would be given an appointment to see a specialist

mental health doctor. For a further three weeks he waited with no appointment. It was only after the intervention of Medical Justice that Mr A was able to access appropriate drugs and medical support. He also managed to get support from a volunteer who rang him daily throughout the rest of his detention – Mr A stressed how helpful this outside contact was for his mental health.

3.3 In Harmondsworth Mr A witnessed a sick man from Pakistan having his pleas for help ignored for weeks. Eventually he collapsed on the floor in a communal area. After some time an Officer called a nurse who called an ambulance.

3.3 A North African woman refugee active in SYMAAG documented the almost universal phenomenon of women refugees and asylum seekers being heavily medicated for anxiety and depressive illnesses. Her own detention and the detention of women she encountered was seen as a major factor in contributing to the poor mental health of women asylum seekers and refugees.

3.4 An ASSIST contact from Southern Africa detained in Yarl's Wood reported a similar situation to that of Mr A, with another woman moaning on the floor being ignored for hours, despite her and others pleas for help. The doctor who eventually was called was outraged, and said the woman could well have died.

4. Longer term impacts of detention on individuals, families and communities

4.1 Combined with the restrictive regimes faced by people in detention, we are concerned that access to their friends and families whilst in detention is very limited. We believe this has a negative impact on their mental health and also adversely affects the health and wellbeing of their families.

4.2 Mrs C managed to get visiting access to Morton Hall but of the three hours allotted for visiting, one hour was taken up in security checks. She was not allowed to take bottled milk for her son into the centre, and had to leave the visitors room to feed her child. Mr B also recalled how detainees and their visitors are not afforded any privacy during visiting hours.

4.3 All individuals with direct experience of detention said that being detained for no apparent reason and without any time-limit was shattering. Mr B said that his experience felt much worse than receiving a prison sentence – there was at least a date set for your release in that instance. Mr B had spent two years in detention.

4.4 Mr A and Mr B both said that the everyday experience of forced removal of people in the centres was horrific. Mr A said that as Harmondsworth is near Heathrow airport, it meant that as aircraft flew over incessantly, there was the continual knowledge that they were flying out people deported from cells nearby – and that he might be next. Mr B said that he had experience of witnessing violent forced removals from the centres where he had been detained. He saw people screaming, resisting deportation and staff being heavy handed with detainees. He described how traumatically this *“messed with his head.”*

4.5 Mr A said he was still suffering traumatic effects from his detention and broke down during his statement at the meeting. He is still receiving treatment for his depression and is waiting for a decision from the Home Office on his fresh claim. However, he stressed how important it was to give evidence in the hope this would mean other people would not have to go through this appalling experience. He said talking about it helped him to start to come to terms with the effects of two months of detention: *“When I seek for asylum, I thought that they could help me [...] Sometimes I think I’ve come to the wrong country to seek help”* (Mr. A).

5. Needs of vulnerable people in detention, including pregnant women, detainees with a disability and young adults

5.1 SYMAAG has an active women membership and links with women’s refugee and asylum seeker networks. We believe there are numerous reasons for ending the detention of women and SYMAAG has campaigned for women detained in Yarl’s Wood where conditions and policies towards those detained have been exposed as being completely indefensible. It is clear that Cedars removal centre and Tinsley removal centre are also still detaining and deporting children in unacceptable ways.

5.2 At SYMAAG’s AGM in 2014, a local doctor who worked exclusively with asylum seekers and refugees argued that the vast

majority of those in the asylum system had symptoms of mental illness, and in his view, the experiences of detention and the asylum process as a whole contributed hugely to worsening mental health amongst the asylum seeking population. We feel that rule 35, the provision that is meant to protect vulnerable individuals from detention, is not being used effectively, if at all. Mr A. when in detention in Harmondsworth said that no one told him what Rule 35 was.

5.3 At our 2013 AGM, we heard evidence from a young African woman who had spent **three years** in Yarl's Wood detention centre. She documented the horrors of women being dragged out of their rooms for deportation, of pregnant women receiving little medical support, of miscarriages and suicides. She spoke about the negative impact of this experience on her mental health and how she continued to have emotional breakdowns even after securing her own bail. She successfully sued the Home Office for unlawful detention and received a compensation payment. The effects of her detention remained with her and after continual refusals to grant her leave to remain and a final bout of ill health, she decided to return to her country and attempt to live in hiding there.

5.4 ASSIST had a client, a disabled woman from East Africa in her sixties, whom the Home Office tried to deport on two occasions to a country which was not her own country in fact had been at war with her own country. She was detained in Yarl's Wood for one week and then again for two weeks, before being bailed. The woman reported that she endured severe stress, not being able to sleep. She spoke of making friends during breaks and meal times and then finding them missing next day, and hearing cries and screams at night from forced deportations. After her second detention she was forced to go 'underground' until legal help eventually led to her getting leave to remain.

6. Effectiveness of alternatives to detention

6.1 We believe that many of the alternatives to detention available in the U.K. are defective, for instance, Bail. The second report in 2013 of the *Bail Observation Project 'Still a Travesty:*

Justice in Immigration Bail Hearings' made it clear that bail hearings are neither just nor fair. An ASSIST client recently experienced a failed bail hearing and then the disregard of a fresh claim [though receipt had been acknowledged by the Home Office]. The client, a volunteer with Sheffield City of Sanctuary, was subsequently deported.

The short time allowed in making appeals creates real difficulties for solicitors and supporters in assembling fresh claims, especially when trying to get documents from countries of origin to back up such claims.

6.2 Our experience indicates that Home Office Reporting arrangements are unrealistic in trying to force people to produce an address when they are homeless. Where sympathetic people allow destitute asylum seekers to sleep in their houses they do not want the possibility of forced deportations from their properties. One example, where an address was given, resulted in a Home Office raid, where female occupants were temporarily hospitalised, even though the target, a woman, was not in the house at the time. When addresses are given they become out of date very quickly. We have experience of occupants of houses unknowingly throwing away important documents of former occupants.

6.3 We would argue that office addresses of agencies, and organisations, which were previously accepted by the Home Office, were used with reasonable success in contacting and passing letters to clients. At present officials at the Home Office reporting centre at Sheffield's Vulcan House threaten to enforce daily reporting if no acceptable personal address is given. Such a policy can simply result in people going underground.

7. Recommendations:

7.1 We believe that the main reason for the appalling record of the Home Office, the prison service; and the privatised regimes of G4S, SERCO, and Mitie, is that over the past fifteen years governments have been determined to create an asylum system which will have a deterrent effect for anyone seeking asylum in the UK. We believe with this attitude to policy making the government is in breach of the 1951 Refugee Convention; of weak and minimalist EU directives on detention and migration; and certainly in breach of a whole raft of human rights legislation

and safeguards. There are a whole range of alternatives to immigration detention which have worked well in other countries - we should demand that these should replace the present regime. But this alone will not be enough; we need fundamental changes in attitude and policy from the Home Office and politicians.

7.2 It is therefore somewhat difficult to make recommendations on 'improvements' to such a deplorable system, but those attending the Sheffield hearing were convinced that ending detention without limit was a reform which was politically feasible. The British pride themselves on the tradition of liberty enshrined in the concept of habeas corpus. But this only protects UK citizens. By contrast, there are virtually no safeguards against the arbitrary arrest of non-UK citizens and the safeguards against detention continuing indefinitely (such as bail hearings) are too weak. It is extraordinary and unacceptable that officials can incarcerate other human beings for an indefinite period.

7.3 We have been asked by activists and refugees "what is the aim of the Inquiry?", and "will it change anything?" The Inquiry panel should therefore consider setting up a parliamentary mechanism that monitors implementation of any recommendations that the panel makes. This could be by the creation of an All Party Parliamentary Group on Immigration Detention, for example.