



## SAMPLE SUBMISSION FORM – August 2014

This form is provided by [the Detention Forum](#) as a sample and you do not to use it to submit your own evidence. You might like to complete the form yourself or ask someone to help you.

There is no need to answer all the questions below. You might find sub-questions which are listed on pages between 12 and 15 of our [Guide for Individuals](#) useful when answering these questions. If you want a copy, email us at [detentionforum@gmail.com](mailto:detentionforum@gmail.com).

The form does not strictly follow the submission framework set by the panel. However, we think the form is clear enough for the panel to be able to follow. See [www.detentioninquiry.com](http://www.detentioninquiry.com) for more information.

Remember that the deadline is 1<sup>st</sup> October 2014. Send your submission to:

By email            [jonathan.featonby@parliament.uk](mailto:jonathan.featonby@parliament.uk) OR  
By post             Detention Inquiry, Office of Sarah Teather MP  
House of Commons, Westminster, SW1A 0AA

Information about yourself	
Your name	Tanjeel Maleque
Do you want your name to be made public?	Yes
Do you wish to give oral evidence before the inquiry panel? (Please note that due to a limited amount of time available, the panel will not be able to take evidence directly from everyone.)	Yes
Are you making this submission by yourself or is someone helping you? If so, who is this person?	Myself
Date you are completing this form	22/9/2014
<b>If you are you in detention now...</b>	n/a
When did your detention begin?	
Is this the first time you are detained in the UK?	
If this is not the first time you are in detention, can you tell us how many times you were in detention before and how long?	
Can you tell us a little about why you are in detention?	
<b>If you are no longer in detention and are currently living in the community...</b>	n/a
When were you released from detention?	
How long were you in detention?	
In which detention centres/prisons were you detained?	
Can you tell us a little about why you were in detention?	
Do you now have a right to remain in the UK?	
If you are still waiting to hear from the Home Office about their decision on your case, how	



long have you been waiting?	
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**Questions form the panel – Please read the sub-questions on pages between 12 and 15 of ‘The Guide for Individuals’. Make sure your answers will not be longer than 3,000 words.**

1) Your experiences of living in immigration detention, including the context and duration of your stay;

I have not been detained at Dungavel House IRC. I have been visiting Dungavel House IRC as an immigration solicitor for over 5 years.

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

I cannot speak to the conditions at Dungavel House IRC. I have only been allowed access to the visit area room and the kitchen/dining facility. The food is edible but of a very poor standard.

In terms of access to legal services, I would submit that, presently, there is good access to legal services at Dungavel House. I understand over five different legal firms provide services at Dungavel House IRC and visit detainees over the seven days of the week and are varying times.

In terms of access to healthcare, I would submit that there remains access to health care services. I cannot advise on its quality.

3) Whether there were appropriate mechanisms to deal with any mental, physical or emotional issues you may have experienced prior to or during your time in detention;

From my experience there is limited access to specialist mental health provisions. This is surprising given the obvious links to depression and detention. I have also noticed difficulties in obtaining a second opinion for medical services. Agents often instruct psychiatrists and psychologists to make various assessment of clients’ health and welfare. There can be difficulties from Dungavel staff in allowing clients access to these instructed experts and often agents must continually insist on clients being provided access to experts.

4) Any longer-term impacts of detention on you, your family and/or your wider community;

I cannot speak to the long term detention of detainees. I can only advise that in my opinion it has an irreversible effect on a person’s mental health.

5) Any other information about detention that you would like to share.

See below

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

I cannot speak to this however I do understand that measures are taken with vulnerable groups at Dungavel House.

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

As stated previously I believe that having no time limit on immigration detention has an



irreversible effect on a detainee's mental health, especially in case of long term detention.

I believe that there remains a great deal of failing in the judicial process of immigration bail. It is important to note that that previously the First Tribunal at Glasgow heard bail applications on 4 days of the week. This number has reduced been reduced to three. No reason has been given for this and it ultimately will lead to a decrease in the number of successful bail applications.

The system of bail is geared toward continued detention despite the resumption being in favour of liberty. The system of submitting a bail application is straightforward and assistance can be provided for by solicitors and BID. Agents are provided with a 4/5 page bail summary often late in the afternoon the day before a bail hearing. This means agents do not have sufficient time to prepare a bail application. The burden of proof lies with the Secretary of State for the Home Department to demonstrate that detention should continue. The Secretary of State often alleges certain conduct in the bail summary however very rarely are these allegations backed up with evidence. Unfortunately the bail summary is often taken as read by the immigration judge. Given the lack of time agents and detainees have with bail summary it is often very difficult to obtain evidence to counter allegations made in the bail summary.

Bail hearings are heard by video link. Detainees remain at Dungavel House and are require to enter a small room and required to often just listen to the bail hearing. On occasion a detainee is asked questions about their conduct or their future intentions. An immigration judge has to make a credibility finding of the detainee as to whether they believe they will comply with conditions. It is submitted that the process of having a video link detaches a detainee from the judicial process of bail. It is submitted that it must be very difficult for detainees to make come across as being credible via the video link process, where it is harder to hear, or have their body language assessed. Further to this being detached from the bail process makes it harder to challenge Home Office assertions.

Guarantors (or cautioners in Scotland) can lodge sums of money to help support a bail application. A person who is detained at Dungavel House whose friends and family remain in London are automatically put at a disadvantage. There are no provisions for cautioner to give evidence via video link at their local Tribunal. There are no provisions for cautioners to attend later on in the afternoon and they are often required to travel early in the morning and appear at court for 9.30 am.

In my experience there is a lack of consistency with the process for bail despite their being clear guidance to judges on how to deal with bail hearings. I can recall a time when I made reference to the Bail Guidance for Adjudicators, only to be told by the Immigration Judge that he had never read or seen such a document. One of the key aspects of the guidance states that a IJ should consider the possibility of detention becoming unlawful, however Tribunal judges often think this is matter purely for the Court of Session. Judges may not hear evidence from the cautioner or the applicant and make a decision. Often a judge would not give reasons at the time of the hearing but would simply state that bail was refused and that the applicant would receive a decision in writing.

Different judges consider different aspects of a case. The lack of consistency makes it difficult for agents to prepare for a bail hearing.

I would submit that bail procedure haring requires reform. The judicial process of bail needs to scrutinised properly and change must take place soon.



8) Are the current arrangements for authorizing detention appropriate?

No. Often detainees are not advised they will be detained and not given access to an interpreter.

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

Explained to a degree above. This should be answered by detainees.

10) How effective are the current UK alternatives to detention (e.g. bail, reporting requirements)?  
Are viable alternatives to immigration detention in operation in other countries?

There requires to be greater exploration of the electronic tagging system. It is currently not utilised in Scotland.