



F.A.O.: The All Party Parliamentary Group on Refugees and the All Party Parliamentary Group on Migration

Re: Submission for the Parliamentary Inquiry into the use of immigration detention in the UK

Dear Sirs

The Poppy Project welcomes the chance to contribute to the Parliamentary Inquiry into the use of immigration detention in the UK, hosted by the All-Party Parliamentary Group on Refugees and the All-Party Parliamentary Group on Migration.

I. About Us: The Poppy Project is the largest independently funded service in the UK, which delivers support and accommodation to female victims of trafficking. We have, to date, received over 2600 referrals. The Poppy Project has accepted 42 percent of these referrals onto the project for support. Access to the project is dependent on a woman meeting the criteria of the international definition of trafficking and having support needs amongst other factors.

The Poppy Project provides intensive support addressing women's practical, emotional and psychological needs. Within the team, our anti-trafficking advocates have different expertise including one advocate who specifically works with women in prison or detained in Immigration Removal Centres.

The Poppy Project is a Government designated 'First Responder' in terms of the National Referral Mechanism in operation across the UK to ensure that central and devolved Governments meet their

legal obligations under the Council of Europe's Convention on Action against Trafficking in Human Beings, including the identification of victims of trafficking.

II. Executive Summary:

As an organisation which supports female victims of trafficking, the Poppy Project's primary concerns about UK immigration detention can be summarised as follows:

1. Potential victims of human trafficking are not identified by state actors prior to being detained under immigration powers;
2. Potential victims of human trafficking are not identified by state actors or their agents once inside the detention estate;
3. Potential victims of human trafficking are not provided with adequate care, advice and support inside detention. We are concerned that this is also the case for other vulnerable detainees;

The Poppy Project considers that the UK government's obligations under EU and international law to victims of trafficking are continually undermined by the modus operandi of UK immigration detention; that is to affect the removal of migrants who are not legally permitted to remain in the UK within a reasonable timescale. Immigration detention is permeated by a culture of disbelief. This culture is presumably borne out of the need to affect removal of migrants as quickly as possible. However, we believe that it continues to frustrate the state's obligations to identify victims of human trafficking and provide them with appropriate care and support.

At the Poppy Project we have supported a number of service users who have brought successful false imprisonment claims against the Secretary of State for the Home Department. We are aware that these claims often settle outside of court and thus, statistical data on the number of successful claims may not be readily available. However, we would recommend that this inquiry considers accessing such data in order to shed light on the extent of unlawful practice within the detention estate and the cost of this practice in litigation cost and compensation payouts to claimants and their families.

III. Response to the inquiry's questions

1. 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.

Often, the first time victims of trafficking have contact with the state is when they are detained. The Poppy Project believes that the UK detention estate does not provide a supportive environment where victims have the opportunity or feel able to disclose their experiences.

Conditions in detention are not conducive to the identification of victims of human trafficking

There is a lack of flexibility in the interviewing procedures inside detention. These procedures are built around an adversarial asylum and immigration process which is wholly inappropriate for the proper identification of victims of trafficking. The assessments which the Poppy Project carries out in order to assess whether someone is a victim of trafficking are "victim-led". This means we give the potential victim of trafficking (PVOT) the time and support to disclose what they feel able to without judgement or pressure. Often PVOTs will not provide information about their experiences until they meet with someone who shows a certain level of concern and support. A supportive environment will often need to be gender-specific. In our experience, many service users report that being interviewed by male members of staff has inhibited their ability to disclose details of their trafficking experience.

It should be remembered that the obligation is on the state to identify victims of trafficking and to make the necessary enquiries and investigations to enable this. The onus or burden is not on the victim to prove their status, contrary to the asylum process. This is a key feature of the UK's responsibilities to PVOTs which does not appear to have been successfully implemented by front-line staff. As a result, PVOTs remain unidentified. Their detention continues, often unlawfully, and they are left without the support and care required to commence their recovery.

Lack of awareness and adequate training on human trafficking among detention centre and UKVI staff

We are aware of a lack of awareness and adequate training among detention and UKVI staff about human trafficking. We have supported service users who presented clear indicators of human trafficking to members of detention centre staff. Staff have failed to act on these indicators or offer the PVOT the time and opportunity to disclose more about their experiences. The Poppy Project has previously offered to provide training to staff at a female detention centre due to these concerns.

We never received a response to this offer.

Service users have reported to us that they did not feel they would be believed by the authorities if they provided information about their experiences. Their perception was that detainees were viewed as dishonest by the UKVI and detention centre staff. We have also supported service users who have reported their experiences to detention centre staff and who were told by staff members that they do not know anything about this and that they should speak to UKVI. When the service user reported their experience to UKVI, they were told they should tell their legal representative instead. Service users therefore did not feel willing to talk to staff or seek assistance.

Disclosure of a trafficking experience can often be convoluted, partial and contradictory. Many victims of trafficking do not understand what human trafficking is or appreciate that they are a victim of a crime. There are many factors which can impede a PVOT's ability to provide a full account about their history. For example, ongoing fear of their trafficker, fear of the authorities, ongoing subjection to debt bondage and feelings of shame are all factors which can prevent a PVOT from talking openly. This is another reason why it is important for the state to be proactive in meeting its obligations to identify victims.

The Poppy Project has serious concerns about access to healthcare within detention centres which are detailed under question 2 below.

Recommendations

The Poppy Project would recommend that efforts are made by detention centres to allow detainees access to comprehensive welfare support with staff members or agents who are adequately trained in the identification of trafficking victims, who are independent, i.e. outside the immigration process and whose primary concern is the welfare of the detainee.

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

Most, if not all the service users we support are vulnerable. Vulnerability can be related to the trauma the victim has experienced, ongoing physical and mental health conditions, difficulties in distinguishing between healthy and unhealthy relationships, inability to assert themselves or escape situations where they are faced with a risk to themselves, lack of understanding about their own health problems, ongoing connection to their traffickers etc. The Poppy Project is concerned that there are inadequate systems in place within UK detention centres to i) identify a detainee's vulnerabilities and ii) to provide support to around these vulnerabilities.

Lack of appropriate healthcare

Many of the PVOTs we assess in detention centres present with various ongoing physical and mental health conditions for which they are not receiving treatment. This is an issue which the Poppy Project identified specifically in connection with detainees' mental health in our 2008 report "Detained: Prisoners without a crime"¹. The report stated:

"All of the women surveyed displayed mental distress which varied, in nature and severity, across a wide spectrum. Symptoms ranged from tearfulness to serious mental disturbance. Depression, suicidal ideation, feelings of hopelessness, intrusive thoughts, flash backs, loss of concentration, insomnia and nightmares were the most common symptoms reported. Despite exhibiting clear indications of post-traumatic stress disorder, only eight of the

¹ Report by the Poppy Project "Detained: Prisoners without a crime", January 2008, available here: <http://i3.cmsfiles.com/eaves/2012/04/Detained-clf762.pdf>

women (15%) mentioned receiving medical treatment in detention, in the form of painkillers or sleep-inducing medication, indicating that, at times, the current system is failing to protect and uphold the human rights of trafficked women”.

This research was carried out on a sample of women between 2001 and 2007. In our opinion there has not been any significant improvement in terms of access to appropriate healthcare for victims of trafficking who display symptoms of PTSD or other associated symptoms related to trauma.

Inadequacy of health screening

Detention centres are required, with the consent of a detainee, to carry out a physical and mental examination. This examination must be carried out by a doctor. The Poppy Project is concerned that such examinations do not take place or that if they do, they are not carried out thoroughly and in appropriate conditions. We are aware that detainees have an initial health check on arrival at the detention centre which can often be in the early hours of the morning when the detainee is particularly exhausted and anxious. We are concerned about the adequacy of the health assessments carried out on arrival in detention and subsequently given that many of our service users’ physical and mental health conditions are left undiagnosed and untreated.

Impact of detention on physical and mental health

We have supported many service users who have suffered from complicated and convoluted physical and mental health conditions. These conditions are often compounded by their time in detention. Service users who require specialist treatment are not referred on to specialists but are prescribed medicine such as paracetamol or sleeping tablets instead of undergoing a thorough assessment of the causes of their health conditions and necessary treatment.

One service user who was not identified by the state as a victim of trafficking and who as a result was prosecuted and served a term of imprisonment, subsequently entered into the detention estate in relatively stable physical and mental health. She was then detained for a significant amount of time. On release from detention she suffered from various physical and mental health conditions which meant that she had to use crutches to walk and had attempted to commit suicide on five occasions

whilst in detention. Several medico-legal reports procured by her solicitor confirmed that detention was having a detrimental impact on her health and yet she remained in detention. The experience has compounded her lack of trust in the authorities and seriously frustrated her recovery as a victim of trafficking.

Lack of sexual health screening

As a matter of course, the Poppy Project offers and encourages its service users to undergo a sexual health screening, particularly in cases where the victim discloses sexual exploitation or abuse. We have supported service users who report never being offered sexual health screening despite providing information to healthcare about past sexual abuse. We have also supported service users who despite requesting sexual health screening have had to wait at least 4 weeks for an appointment. This can often have a serious impact on the detainee's mental health where they remain anxious and pre-occupied by the unknown. We are aware that similar delays occur in accessing other vital health services.

Counselling service in detention

The PVOTs we assess in detention often require trauma-specific, supportive counselling. We are aware of various obstacles which service users face when attempting to access this including a shortage or unavailability of counselling services; a perception that the counselling service is an agency of the UKVI and therefore hostile and disbelieving and a perception that the counselling service is ineffective. Many service users report that their time in detention was extremely lonely and desperate where staff "do not care" about them or their health issues.

Use of medical records to undermine detainees' credibility

Trust in the healthcare service is further subverted by the use of detainees' medical records in UKVI decision letters, often in spurious ways in an effort to undermine their credibility. We have supported service users who the UKVI has refused to identify as victims of trafficking partly on the grounds that they did not disclose the abuse they have suffered to healthcare in detention. On the other hand service users who have tried to disclose the details of past abuse and trauma have reported that their accounts are not taken seriously by healthcare. In medical notes, healthcare staff

record that the detainee has “alleged” that they have suffered previous abuse or torture. This is not a practice employed by healthcare professionals outside of detention and we believe it is indicative of a prevailing culture of disbelief within the detention estate.

Recommendations

The Poppy Project recommends that the detention service makes urgent and significant efforts to improve the quality of healthcare afforded to detainees. The standard of care and treatment falls short of that which would be offered to patients in the community, outside of detention. We reiterate that in the case of PVOTs, the need for a safe, appropriate and supportive environment when undergoing health checks or assessments is also vital to their proper identification as victims of trafficking.

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

Impact on family

A significant proportion of our service users who have been detained have been seriously affected by their inability to sustain proper communication with children outside of detention, who often reside in the victim’s country of origin. Victims of trafficking are often separated by the children or families as a result of having been trafficked. Detention presents significant obstacles to communicating regularly with children and other family members. Service users also report that they cannot explain the lack of communication to their children because they do not feel it is appropriate to inform them about their trafficking situation or about the fact that they are currently in a detention centre. This puts further strain on their relationships and compounds feelings of shame and guilt which victims of trafficking often experience as a result of being trafficked.

Detention as a tool used by traffickers

Detention or the threat of detention is often used by traffickers as a coercive tool by traffickers who threaten victims that if they go to the authorities, they will be detained and sent home. Some

traffickers understand the system in detention and can continue to exert control over their victims whilst detained.

Impact of detention on investigations by the police

One of the wider impacts of detention is that it fundamentally undermines the trust of a victim of trafficking in the state. Many of the service users we support who have been in detention do not feel willing or able to cooperate with the authorities in an investigation into their traffickers due to a lack of trust. This clearly frustrates the UK's efforts to investigate and prosecute those responsible for human trafficking.

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

The lack of time limit on immigration detention is a key contributory factor to the destabilizing impact of detention on detainees' mental health. Our service users cite the fact that there was "no end in sight" and no certainty about their situation as cause for their feelings of despair and depression. Those service users who have previously been incarcerated in prison, often compare their experience in prison as more favourable. There they have a release date, even if they are then detained under immigration powers on completion of their sentence.

5. Are the current arrangements for authorizing detention appropriate?

Many PVOTs we assess in detention explain that they did not understand what was happening when their detention was authorized. They report that they did not understand why they were being detained. This is particularly the case amongst victims of trafficking who may, prior to this, be unaware that they do not have immigration status in the UK.

There remains inadequate checks and measures to allow potential detainees an opportunity to disclose trafficking to the officer authorizing their detention.

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

The Poppy Project is concerned about the consequences for cooperation with the authorities in investigating trafficking which we have outlined above under question 3.

As highlighted in the executive summary to these submissions, we have support service users who have brought false imprisonment claims against the SSHD. We believe the costs of such litigation and resulting compensation payments should be taken into account by this inquiry when assessing the financial cost of the current immigration system.

7. 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?

Alternatives to detention are very effective for the service users we support. The Poppy Project supports service users in ensuring that they comply with their reporting conditions and bail restrictions. We believe that if resources were available for a similar system of support for other individuals who would otherwise be subject to immigration detention, these alternatives would prove more cost effective than the current immigration detention system.