



Why Refugee Women?

*C/o Bradford Action for Refugees, 40a Piccadilly, Bradford, BD1 3NN,
Email: info@whyrefugeewomen.org.uk, beatricebotomani@yahoo.com
Website: www.whyrefugeewomen.org.uk, Tel: 01274762100 ext 210*

Parliamentary Inquiry into Immigration Detention

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Submission of Evidence from Why Refugee Women

Executive Summary

Throughout September, Why Refugee Women held two events aimed at gathering evidence of our members' experiences and opinions about the immigration detention in the UK. Their voices, experiences and ideas inform the body of our submission.

Our evidence demonstrates our serious concerns about the effectiveness and acceptability of the Immigration Detention system in the UK. We are concerned that the routine detention of people seeking asylum, without charge or time limit, contributes to the increasing criminalisation of people seeking protection from persecution here in the UK.

We remain concerned that the practice of immigration detention, without exception, adversely affects the mental and physical health of detainees. One individual who provided evidence for this submission still experiences panic attacks after being detained with her mother, and her mother remains in a psychiatric unit to this day.

We are not convinced that detainees have adequate access to legal advice, healthcare and pastoral support when in detention. Many are only able to find sufficient support when an external organisation (sometimes Medical Justice or local Visitor Support Groups) intervenes.

We are also particularly worried that detention has acutely negative impact on women seeking asylum. As they are often seeking protection from gender-based violence or persecution at the hands of non-state actors, the existing legislation makes it more difficult for them to prove their claim for protection. We are concerned that, as a consequence, women who have experienced sexual violence and domestic violence in their countries of origin are more likely to be detained when they seek asylum in the UK and face further difficulties in stating their case for a haven safe from persecution.

We believe that detention undermines some of the most basic rights of people seeking asylum and we urge the government to put an immediate end to the detention of those who come to the UK seeking safety from persecution.

Introduction

Why Refugee Women is a women refugee only organisation formed and run by refugee women and asylum seeking women in Yorkshire and Humber. The word refugee within the name and in this report includes refugees and asylum seekers. Why Refugee Women was set up in 2010 with an ultimate aim of improving the quality of life of women refugees. We work to unite women refugees in fighting unfairness and lack of understanding in asylum decision making, as well as injustices at policy level. We also empower refugee women to voice their concerns in order to protect their human rights, dignity and respect and to create awareness in our communities about the lives of refugees. Why Refugee Women has 108 refugee women from all over the world who have so far signed up as members. To promote its mission, it has developed a charter to protect the rights of refugee women that 133 organisations, including the Refugee Council and Oxfam, have signed in support.

Why Refugee Women members either have personal experience of immigration detention or have friends or family who have been detained under immigration rules. Why Refugee Women's submission will feature testimonies from women seeking asylum who have been detained, as well as the views of asylum seeking and refugee women on the current immigration detention system in the UK.

Data for this submission was collected from Why Refugee Women members through two evidence gathering sessions in Bradford, West Yorkshire in September. Over 21 asylum seeking and refugee women submitted their experiences of immigration detention and their views on how the system should change. Why Refugee Women's submission is dedicated to presenting the real life experiences and opinions of women seeking asylum in the UK. This is what makes our submission unique, therefore, we ask for close consideration to be paid to the recommendations herein.

Why Refugee Women is glad to be submitting evidence to the Parliamentary Inquiry into Immigration Detention, as we view it as a great opportunity for the voices of refugee women to be heard.

Summary of Participants

Those submitting evidence ranged in age from under 20 to over 60, and the majority of participants were between the ages of 21 and 40 (over 50%). The women were from a range of countries including Bangladesh, Eritrea, Ethiopia, Iraq, Malawi, Namibia, Pakistan, Saudi Arabia, Senegal, Somalia, Syria, Zambia and Zimbabwe. Four out of the 21 participating women had been in immigration detention whilst claiming asylum, whilst the remaining participants were women at risk of detention (either currently or when they were claiming asylum). 8 out of the 24 participants (40%) now have leave to remain in the UK. Of the remaining participants, 9 (41%) were still waiting for a decision on their case and 7 (19%) did not want to disclose this information. Of those still waiting for a decision on their case, the average amount of time waiting for a decision was 35 months (2 years and 11 months).

1. Refugee Womens' Experiences and Perceptions of Detention

- 1.1 93% of respondents believed that the current conditions in UK immigration detention centres were not satisfactory, and a further 88% of respondents felt that current conditions in UK immigration detention centres were not suitable for women.
- 1.2 Some respondents felt that the lack of privacy in detention centres made it difficult for detainees, especially women, to access the kinds of support they needed. Respondent C who was detained upon arrival in 2010 felt intimidated as she had no personal space. She recalled how she had to shower in front of lots of other women that she did not know, and felt uncomfortable. She also emphasised that it was difficult to obtain sanitary products from detention centre staff when she was on her period. Staff would only give her one sanitary towel or tampon at a time and she felt embarrassed and shameful having to constantly ask.
- 1.3 Some respondents felt that the attitude of staff to women in detention centres contributed to a culture of disrespect and an atmosphere of fear in IRCs. One individual with direct experience of detention said that "everything is horrible. Environment, attitude of staff, the system – roll calls 4 times a day, strip checking" (Respondent G). Other women at risk of detention felt that detainees were "humiliated" and treated with "disrespect" (Respondent A), and that there was poor sanitation (Respondent N & C).
- 1.4 The lack of freedom within detention centres was cited as a key factor in the worsening of detainees' mental and physical health. Whilst Respondent T felt that she had access to a number of different activities whilst in detention, she also found living in her cell very "claustrophobic." She reported that she felt like vomiting when she thought about the fact she was locked inside. Detainees were expected to be in their cells at breakfast, lunch and dinner, and only let out of their cells between 7am and 7pm.
- 1.5 For women at risk of detention, the potential impact of detention on individuals' health and wellbeing was a consistent concern. One woman felt that detention destroys peoples' confidence and "makes it hard to fight" (Respondent D). She went on to say that the experience of detention changes people: "before, you're good. Then you're affected by detention" (Respondent D). This capacity for detention to negatively affect individuals' wellbeing was cited by a number of respondents (C, D, E, F, H, I, K, M).
- 1.6 Many respondents felt that women should be automatically considered vulnerable and therefore should not be detained. Although Rule 35 is supposed to prevent the detention of vulnerable people, it does not attend to the specific vulnerabilities faced by women seeking refugee protection either due to their experiences in their country of origin or their experiences here in the UK. We feel that this means that women who have been detained under immigration rules are particularly at risk when in Immigration Removal Centres (IRC) as their vulnerabilities may be missed.

2. The Detention of Vulnerable People

- 2.1 When asked whether the current immigration detention system supports the needs of vulnerable detainees (pregnant women, people with disabilities), 100% of respondents answered no. 100% of respondents also felt that vulnerable people should never be detained under immigration rules.
- 2.2 Rule 35 is meant to prevent the detention of individuals whose health will be injuriously affected by continued detention, those who have suicidal intentions or those who are victims of torture. Evidence submitted by Why Refugee Women members suggests that this mechanism is not being used effectively.
- 2.3 For individuals with personal experience of detention, each noted a worsening in their physical and mental health after entering detention. One respondent stated that detention centres “break you: emotionally and physically” (Respondent T) whilst another noted that she experienced weight loss, urine infections, confusion, anxiety, fear, sleeplessness, regret, memory loss, anger and loss of appetite (Respondent G).
- 2.4 One individual’s testimony (Respondent S.A – reproduced in full as a case study at the end of this submission) details the traumatic experience of detention in Yarl’s Wood for one young woman and her mother. Her mother’s mental and physical health deteriorated so dramatically during her time in immigration detention that she has been admitted to psychiatric care units twice in two years, and remains in the inpatient unit in Bradford to this day.
- 2.5 Another individual’s testimony (Respondent T) detailed how she watched new detainees arrive and become suicidal within 3 days of being in detention. She recalls seeing them hurt themselves and then be put under 24 hour surveillance by both female and male detention centre staff. She said she sometimes thought about self-harming, but did not want to be watched 24 hours a day.
- 2.6 Individuals’ health – both physical and mental– was frequently cited as something made worse by detention: “vulnerable people should not be sent to detention as they are already stressed and when they enter detention it adds to the tension they are feeling” (Respondent J).
- “It doesn’t help them at all, if anything, they need help.”

3. Detention without Time-Limit

- 3.1 Many respondents were concerned that asylum-seeking women could be detained indefinitely despite the fact that they had not been charged with a criminal offence. Whilst the experience of immigration detention seems similar to regular mainstream imprisonment, the lack of a time-limit on detention under immigration rules was a matter of concern for many members of Why Refugee Women.

- 3.2 Respondents were concerned that asylum-seeking women were being criminalised for seeking protection from persecution: “detention is similar to imprisonment. Claiming asylum isn’t illegal and it’s not a criminal act. It is the act of seeking refuge in a country considered safe” (Respondent A); “Detainees are treated like criminals just because they are failed asylum seekers” (Respondent H); “It’s a place for criminals” (Respondent F). Others noted that “even people that have been sentenced because of crime know how long their sentence ought to be” (Respondent N).
- 3.3 Both women at risk of detention and those who had been detained had strong views on the impact of a lack of time-limit on detention. For one women who had been detained on arrival, it was “scary seeing other people who had been detained longer than you in the centres” (Respondent C). Many of the women at risk of detention noted the knock-on effects of extended periods of time in detention, both in terms of the worsening mental health of detainees, but also in terms of costs to the tax payer: “this just makes people suffer more from mental health which becomes a burden to the NHS and the government to have to deal with them after they come out of detention (Respondent H, F, A).
- 3.4 Others compared indefinite detention to torture (Respondent G) and jail (Respondent L), whilst others reiterated the negative effects of indefinite detention on individuals’ mental health. (Respondent S, R, M, L).
- 3.5 Respondents’ views on a possible time-limit on immigration detention were varied. Some felt that the detention of asylum seekers should be scrapped altogether (Respondent A, E, F, G, H, J, K, M, R), others felt that first there should be a time-limit on detention ranging from one day to one month (Respondent D, G, L, N, P, Q, S). All respondents answering this particular question felt that indefinite detention under immigration rules was unsatisfactory and needed to change.

4. Detention in the Community: Impacts on Family, Friends and Networks

- 4.1 Nine of the twenty-one respondents to Why Refugee Women’s evidence gathering events noted the devastating impacts that immigration detention has on family, friends and community networks. Some mentioned the stigmatisation faced by previous detainees (Respondent H, G), the loss of friends and networks after being detained (Respondent A, G) and the knock on mental health problems faced by families and friends who see their loved ones go through detention (Respondent E, K, T).
- 4.2 For those who had been detained (Respondent C, G, T, S.A), the long term impacts on their own lives and that of their families was clearly evident. For one woman who was detained with her children in 2009 said that her experience had “left a mark, so difficult to destroy.” She continued to say “it is an experience that was needless. The impact of it is long lasting. Living in fear, panic attacks, mistrust still exists. The love between families is destroyed. Kids become unruly and angry. It is so devastating” (Respondent G).

- 4.3 Respondent S.A's story of her detention with her mother also details some of the long term impacts of immigration detention. Not only is her mother still an inpatient in psychiatric care (9 months after being released from detention), but the daughter is still having panic attacks. In submitting her evidence to this inquiry, she said that "even in making this report, when I think about the Detention Centre, I want to cry because it was all so upsetting, and memories and fears keep going around in my head" (Respondent S.A).
- 4.4 The relationship between this young woman and her mother was destroyed by their time in detention. As the mother's mental health deteriorated, she became physically abusive towards her daughter. Officers would simply shout at the mother to stop, rather than provide any support. The daughter says that "officers in the centre told me that if I really wanted something to happen I could make a complaint to the police about the extent to which my mum was upsetting me" (Respondent S.A).
- 4.5 The large proportion of respondents felt that the cost of immigration detention was excessive and unnecessary. Many felt that money would be better invested in housing, healthcare or work opportunities (Respondent A, E, F, H, K). A large number of respondents also noted that the wider costs of immigration detention include long-term mental health issues which are now costly to the NHS (Respondent F, G, H, K). One respondent even felt that the poor conditions in immigration detention may dissuade people fleeing persecution from formally applying for asylum and will force them to live underground (Respondent A).

5. Recommendations for Change

- 5.1 As part of the evidence gathering sessions, we asked all participants to say what they'd change about the immigration detention system in the UK. The responses from women who had been detained and women at risk of detention are outlined below:

"Change everything. There'd be no detention. Everyone would be freer." (C)

"No prison for anyone: only for the worst stuff" (D)

"I would like all detention centres to close" (E)

"Detention of asylum seeking women should be abolished because women suffer when giving birth and it should be respectful for women." (F)

"It is tortuous and de-humanising. It gives no dignity, it is needless. Needs to end, ASAP." (G)

"I think it is degrading to women and inhumane to put somebody in detention just because they are a failed asylum seeker who has fled persecution in their country of origin. I also think it is a way of modern colonisation and control of people." (H)

*“Everything. Such as the time-limit. The people who are sick need special care.”
(I)*

“There should be no detention centres. There should be hostels where women can stay until their cases are decided and where they have some independence and freedom.” (J)

*“Change the whole system. Let people free. You make it worse by keeping them in detention. We are in an advanced country. It has to be in a civilised manner.”
(K)*

“I think lots of people are seeking asylum nowadays. So it may be a big problem for UKBA to arrange home trips. They need time, so they take the woman for detention. But I think the detention time should be in a limit and women should be cared for in detention. Because the asylum seeker needs help, love and care, not ignorance.” (L)

“Why detain women? Women have a big role to play in society. They need to be at home freely looking after their children. The effect detention can have on mothers and children is long term. In my opinion, detention shouldn’t happen at all. What’s the purpose of detaining people?” (M)

“If I haven’t done anything wrong; why should they detain me?” (T)

6. Recommendations to the Panel

End the Detention of Asylum Seekers: Fundamentally, we don’t believe that people seeking safety from persecution in the UK should be subject to detention. Being detained has extremely damaging and long-lasting effects on the wellbeing on those individuals and that of their families. Being sent to a detention centre is the same as being imprisoned despite the fact that seeking asylum is not a crime. We believe that peoples’ asylum claims should be dealt with while asylum seekers are living in the community, ensuring better access to legal advice and essential healthcare services.

However, if this is not done immediately, the following changes should be made **urgently** to improve conditions in detention and ensure that those who are detained are able to live in dignity:

- i) End Indefinite Detention:** Detaining people seeking asylum for indefinite periods of time has huge personal, social and financial implications. Not knowing how long detention will last compounds existing uncertainties and fears of detainees, and has lasting detrimental impacts on the mental health of detainees and their families. People seeking asylum are some of the only people who are subject to indefinite detention; this cannot continue. **We ask the government to set a time limit for the length of time a person may be detained, and keep them regularly updated about their case.**

- ii) **Include ‘Women’ in the Criteria of Vulnerable Detainees:** Why Refugee Women believe that women are acutely vulnerable in detention settings. Women’s asylum cases often include gender-based violence, persecution at the hands of family members and non-state actors, which is more difficult to prove than persecution by the state. Notably, the number of initial refusals overturned on appeal is far higher for women than men.¹ Following the recommendations in the Home Affairs Select Committee Report on Asylum (2013) for the asylum system to ‘wake up’ to the needs of victims of domestic and sexual violence, we believe the detention system should be doing the same. **We ask for the government to immediately end the detention of asylum seeking women.**
- iii) **Stop Detaining Vulnerable People, Including Pregnant Women and People at Risk of Suicide and Self Harm:** We believe that vulnerable people are routinely detained in Immigration Detention Centres without their vulnerabilities being properly assessed. Some of the women who experienced detention and submitted evidence to this submission had experienced extreme mental health issues whilst in detention, and in the case of S.A., were only released with the intervention of an external agency (Medical Justice). We are concerned that Rule 35 is not being used, and hundreds of victims of torture, trauma and abuse are being re-traumatised by the detention system in the UK.
- iv) **Improve Access to Legal, Medical and Pastoral Services in Detention:** Many of the women who participated in this submission were concerned about the impact of detention on individuals’ mental health and the lack of support available in IRCs for those suffering from depression, anxiety and distress. **We ask the government to ensure that there are numerous activities to promote the mental wellbeing of asylum seekers when in detention**, including therapeutic care, easy access to phone and internet to maintain contact with family and friends, and immediate access to good quality medical care when requested. **We also ask the government to ensure that all detainees have the opportunity to see a legal aid funded solicitor within a reasonable time-frame, have access to interpreters and are made aware of their rights while in detention.**

¹ 42% of refusals issued to women were overturned following an appeal, compared with 22% for men. Evidence cited in Home Affairs Select Committee Report on Asylum, 2013. Available at: < <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>>

Relevant Personal Testimonies

For further information about this testimony, please contact Lorna Gledhill on 07557 982 498 or Beatrice Botomani on Beatrice.botomani@yahoo.com

Testimony S.A

Age: 25

Country of Origin: Pakistan

Together with my mother, I sought asylum in the UK in March 2010. We had come to this country on a six-month visitors' visa in October 2009 to escape physical and psychological persecution by my father. Our asylum case is currently subject to Judicial Review. As Appeal Rights Exhausted asylum seekers we have twice experienced detention.

On 25 October 2011 my mother and I were detained by immigration. We were taken from the house of a friend who was giving us shelter to Yarls Wood Detention Centre. My mother's physical and mental health deteriorated severely and, after being seen by a doctor, she was repeatedly given sleeping tablets. This was her only medication. My mother was extremely frightened by the experience of detention. I believe that the tablets made her worse, not better, as they seemed to make her very confused, and her mind was not clear. My mother has always been told what to do. She has never had her own freedom of thought, and has never had the chance to express what she likes or what she wants to do. When in detention I began to have frequent panic attacks which were more easily triggered than when we were living in Bradford. For example, in the detention centre canteen I had an attack when I saw people dressed in black Halloween costumes.

A friend found us new solicitors who applied for bail that was granted on 8 December 2011. On our release my mother was immediately admitted to Bradford emergency care and she was there for a few days before being transferred to a Leeds Mental Health Unit because there were no beds available in the Bradford. She was shouting uncontrollably, smacking herself, and hitting me if I tried to stop her. My mother stayed in Leeds for approximately a week. She was then transferred back to Bradford where she was in receipt of psychiatric treatment from Bradford Lynfield Mount Hospital until August

2012. My mother was in and out of the hospital and seeing various doctors. My mother had further appointments but the solicitors told us not to attend because immigration was looking for us.

Our solicitors took further fees and made further applications to the Home Office based on the fact that my mother was ill. However, at no time did they ask us to provide medical evidence from the hospital or from a GP. They told us that the Home Office would itself contact the hospital and get the reports.

On 12 November 2013 my mother and I were again detained by immigration and taken to Yarls Wood Detention Centre. I was petrified, both for myself and my mother, as I had to re-live the previous detention treatment. My mother had returned to the verge of coping with day to day life since her release from hospital in August 2012. Even in making this report, when I think about the Detention Centre, I want to cry because it was all so upsetting, and memories and fears keep going round in my head.

MY mother's mental health again deteriorated badly. She tried to break everything in the room that she shared together, and she tried to smack me. Officers would simply shout at my mum to stop. On one occasion, officers held my mother by the wrist so hard that it was severely bruised. On another occasion, when my mother was in a very bad state, I went to ask for help, but kept being told to wait. I became so desperate and upset that the only thing I could do was to hurt myself by cutting my left wrist. They put a bandage on my wrist, but still no one helped me with my mother. Officers in the centre told me that if I was really wanted something to happen I could make a complaint to the police about the extent to which my mum was upsetting me.

The friend who had been housing us found us new legal representatives, Lex Immigration in Huddersfield. A solicitor spoke to me immediately whilst I was in detention and I understood everything she was saying. This was the first time that a legal representative spoke to me directly. I told her everything that I could and she told me that she would contact the Home Office and ask them for reasons for detention.

Nisa was in contact with Barry, a Home Office official in Belfast, who was dealing with our file. Barry was aware that my mother required urgent hospital treatment, but said that he required authorisation from his superiors to order release us.

Tim from Yarls Wood Befrienders was contacted by a male friend who came to visit us at the Detention Centre. He immediately recognised the fact that my mother required medical help. He spoke to Nisa, and a psychiatrist was arranged to assess my mother. Dr Mouny of Medical Justice produced a report which was used for our bail application, and we were released on 24 December 2013. My mother was admitted to the psychiatric inpatient unit of Lynfield Mount Hospital, Bradford, where she remains in receipt of treatment to this day.

I have no intention of returning to Pakistan as I have nowhere to go. I am very scared of my father and will never return to him because he will definitely beat me up because I did not obey his orders. I am a single woman and I am not capable of finding alternative accommodation in Pakistan as I have no one there to help me.