# Submission to the Joint Committee on Human Rights Inquiry into Immigration Detention

 Quakers in Britain and Quaker Asylum and Refugee Network (QARN), 6 September 2018

## 1. Introduction

* 1. This is a joint submission from Quakers in Britain and the Quaker Asylum and Refugee Network (QARN).
	2. QARN is a nationwide network of Quakers who have experience of working with asylum seekers and refugees. QARN works to change the way that refugees and asylum seekers are treated, to ensure that justice and compassion are the guiding principles.
	3. Quakers In Britain provides support to a network of more than 80 Quaker meetings which have made a commitment to become ‘sanctuary meetings’. Sanctuary meetings are engaged in practical work to build a culture of welcome towards newcomers to Britain, challenging racism in all its forms and campaigning to change the laws on destitution, detention and deportation.
	4. We see that of God in everyone, no matter where they come from or how they arrived in this country.
	5. Many Quakers visit detention centres, act as sureties for detainees applying for bail, support detainees on release by providing shelter, offer therapeutic services and advice clinics, run English classes and mentor refugees. We are therefore familiar with the detention system in different centres across the UK.
	6. Potential immigration detainees are not protected by the safeguards applied to others in the UK who face deprivation of liberty. Anyone else deprived of liberty knows how long it will last, and a qualified judge makes the decision. Quakers believe that the UK’s system of immigration detention is a source of significant harm to the mental health of detainees.
	7. In 2014, Quakers and QARN made a submission to the inquiry of the All Party Parliamentary Group on Refugees on immigration detention. We urged that inquiry to recommend alternatives which enable people to make a contribution to society. We renew this plea.

## 2. Areas on which the inquiry is seeking evidence

Whether current legal and policy frameworks are sufficient in preventing people from being detained wrongfully, and whether current practices in the detention system protect human rights

### How far current policies ensure that people are only deprived of their liberty if it is necessary, rather than for administrative convenience

* 1. We are extremely concerned that the Home Office’s Adults at Risk policy, intended to stop the detention of vulnerable people – including pregnant women and those who are victims of torture – has not been effectively implemented.
	2. Stephen Shaw’s recently published review makes five significant recommendations on this subject (recommendations 11-15). They make it clear that the current approach is not effective in avoiding the detention of vulnerable people.
	3. We welcome the Home Office’s recent announcement that it will examine how to improve consideration of Rule 35 reports in possible cases of torture. It is essential that such examination is undertaken in close consultation with civil society organisations supporting torture survivors, and that any reforms do not further raise the standard of proof to the detriment of survivors.

### Whether the initial decision to detain an individual should be made independently, such as by requiring prior judicial approval

* 1. Quakers believe people should not be subject to deprivation of liberty without proper process. Stephen Shaw noted that in the quarter to 4 February 2018, 55% of those leaving the detention estate were released. For detainees who went on to claim asylum, the figure was 84%.[[1]](#footnote-1)
	2. These figures point to a flawed system and support the case for judicial oversight of the initial decision to detain. If not possible immediately, this should be done within a brief period – we suggest 72 hours.

### The operation of arrangements for bail

* 1. Bail decisions often seem arbitrary. Without effective legal support, those in detention find it very difficult to get bail. Reporting conditions can be severe and include tagging.
	2. In response to a Freedom of Information request, the Ministry of Justice provided data that suggested eleven immigration judges did not grant bail *at all* in the year ending 31 March 2018 – despite 56% of all bail decisions in that period being in favour of bail, and bail guidelines stating judges must always assess and impose the minimum conditions necessary.[[2]](#footnote-2)

### Whether immigration detention should be time-limited and if so the maximum period (including the length of detention in practice)

* 1. The UK is the only European country not to set a time limit on detention. We see at first hand the impact of this on those who have been detained. As one QARN member said:

*“The lack of time limit is described by some of the detainees I have met as one of the worst aspects of their incarceration, even a form of torture. For an African who had been tortured in his home country, the uncertainty was ‘hell’.”*

* 1. Another commented that:

*“[I knew] a man whose nationality was disputed - he was born in one country in West Africa and moved as a child to another and had no papers for either. He was held in detention for nearly three years. When I met him he was mentally very fragile. He was subsequently moved to another detention centre and the visitor who saw him there described him as 'destroyed' by the experience."*

* 1. Quakers believe that immigration detention should be abolished because it causes physical and mental harm and damages individuals’ relationship with the state. Pending this, we recommend a time limit of 28 days, with no re-detaining. This would significantly reduce the scale and length of detention in the UK, and protect detainees from the most damaging impacts on mental health, which evidence suggests occur after 30 days of incarceration.[[3]](#footnote-3)
	2. The Home Secretary has asked for a review of international evidence on how time limits work in other countries. We consider that any such evidence is secondary to the moral case for reform, founded on the existing, compelling evidence of the suffering and mental damage caused by indefinite detention.

### Whether alternatives to detention are properly explored and used

* 1. We welcome the Home Secretary’s recent announcement that Home Office officials are to work with others, including faith groups, to explore community-based alternatives to detention. Evidence from other countries suggests that these can achieve good outcomes in terms of compliance, well-being and cost-efficiency. Up to 69% of people refused asylum under such processes left the country without state intervention[[4]](#footnote-4), compared to the 61% of returns from the UK which were voluntary.[[5]](#footnote-5)

### Detainees’ access to legal advice and their ability to engage with the legal processes to challenge their detention

* 1. We remain concerned about the lack of choice of legal aid funded solicitors for people in detention. Even where legal advisers are more effective, limited funding constrains the quality of service they are able to offer. As another QARN member said:

*“A good solicitor we know said that as far as possible his work is by phone as he could not make a visit to the IRC because of time costs.”*

* 1. The experience of detention – including difficulties sleeping – impairs detainees’ ability to engage with the necessary legal processes to gain their freedom. One of our members, who has been involved with Yarls Wood since it opened in 2001, said:

*"In all my experience I have never yet found a single detainee who said they were able to sleep well in detention. Not one! Insomnia, and/or its closely related disturbance, not being able to sleep until the small hours and not being able to wake until very late in the morning, are absolutely universal. Nightmares and waking flashbacks are very common."*

* 1. In addition, those with little knowledge of English are significantly disadvantaged. Telephone interpretation provided in IRCs, such as through the Big Word system, lacks the precision needed for medical or legal interviews. Members of Medical Justice undertaking medical/legal reports try to bring in their own interpreter where possible, as do members of Bail for Immigration Detainees.

### Detainees’ access to health services

* 1. The first barrier faced by a detainee seeking access to health services is being believed. When detainees are asked how requests for medical attention are answered, they say staff do not believe them or simply give them two paracetamol. One QARN member said:

*“With the stresses of detention and fear of removal, and sometimes separation from home and settled family, there are a great many women who develop psychosomatic symptoms of all sorts – but it is gratuitously offensive, unprofessional and disrespectful to dismiss these symptoms as ‘faking it’.*

*The symptoms are often just as much cries for help as deliberate self-harming, and may themselves amount to involuntary self-harming.”*

* 1. We are aware of frequent complaints from detainees of missed hospital appointments, sometimes because an escort has failed to turn up. And when people make it to hospital, there are often tensions between clinical staff concerned with patient confidentiality and escort staff concerned with possible escapes.
	2. Research from organisations such as Medical Justice shows that detention itself harms people’s mental health. There is little provision within detention centres for mental health support, and inadequate monitoring. With 20,000 people put on suicide watch in detention since 2007, and attempts to commit suicide made at a rate of more than one a day, mental health care must be a priority for action.

### Conditions in detention

* 1. In addition to the issues noted above, we highlight the poor provision of recreational facilities at IRCs compared to those in prisons.
	2. Single rooms are also limited. One QARN member commented on the impacts at Campfield House:

*“Men from the same country may be put together without recognition of ethnic and religious differences which were problematic back home. At least one gay detainee had a very fearful time.”*

* 1. Foreign national ex-offenders now represent a substantial proportion of those held in detention. Preparations for removal should be started towards the end of time being served. As it is, people are held in detention beyond their term.[[6]](#footnote-6)
1. *Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons: a follow-up report to the Home Office by Stephen Shaw,* p.27, HMSO,July 2018 [↑](#footnote-ref-1)
2. *Guidance on Immigration Bail for Judges of the First-tier Tribunal (Immigration and Asylum Chamber*), p.3, Tribunals Judiciary, January 2018 [↑](#footnote-ref-2)
3. Dr Katy Robjant, 1st Oral Evidence Session of Joint Inquiry by the All Party Parliamentary Group on Refugees and the All Party Parliamentary Group on Migration, 17 July 2014 [↑](#footnote-ref-3)
4. *There Are Alternatives: A handbook for preventing unnecessary immigration detention,* p.76,International Detention Coalition, 2015 [↑](#footnote-ref-4)
5. Immigration Statistics, Year Ending March 2018, Home Office [↑](#footnote-ref-5)
6. For more information see *Foreign Criminal: A doubly damned modern British folk-devil*, Melanie Griffiths, Citizenship Studies volume 21, 2017 [↑](#footnote-ref-6)