

## Summary

With Brexit negotiations, the continuing refugee 'crisis' and the need to build strong communities across the UK, immigration will be an important issue during the forthcoming General Election and the months and years that follow. The need to establish a fair approach to migration governance that commands the trust and confidence of the public is clear. **This must include a commitment to reform immigration detention.**

The UK has been heavily criticised as an outlier for its use of indefinite detention. Migrants, including asylum seekers, EU nationals, and torture and trafficking survivors, are held without a time limit in the UK. **Reform must begin with the implementation of a 28 day time limit on detention.**

Detention, and immigration enforcement more broadly, has a profound impact on local communities. To promote integration and social cohesion, a shift from coercion towards engagement with migrants and their communities is required. **The over-reliance on detention must be replaced in favour of community-based alternatives.**

## Introduction

The vast majority of developed countries limit the maximum period of detention. The UK is unique in Europe in having no time limit and routinely detaining migrants for months and even years. It has opted out of the EU Returns Directive, which sets a maximum time limit of 18 months. France limits detention to a maximum of 45 days. Italy has recently reduced its time limit from 18 months to 90 days. In Belgium the time limit is eight months. Sweden has a time limit of 12 months, but only detains migrants for an average of 5 days.

This practice has earned the UK much criticism from a diverse range of actors including the All Party Parliamentary Groups on Refugees and Migration, the United Nations Human Rights Committee, the former Chief Inspector of Prisons, Nick Hardwick, and the Committee for the Prevention of Torture of the Council of Europe, all of whom recommend a time limit.

### Indefinite detention: ineffective, expensive and harmful

The UK's use of indefinite detention is ineffective: long term detention does not lead to higher deportation rates. In fact, the longer a migrant is detained, the more likely that they will be released from detention. In 2016, 10,380 people were deprived of their liberty for more than 29 days, but the majority (62%) were released back into the community after their detention.

Of the 208 detained for 12 months or more before leaving detention in 2016, only 28% were returned to their country of origin, meaning that 71% were returned back to the community after a lengthy period of detention.

Indefinite detention is expensive: the cost of running the detention estate in 2013/14 was £164.4m. Independent research by Matrix Evidence has found that £76 million per year is wasted on the long-term detention of migrants who are ultimately released. If the Home Office could identify these unreturnable migrants earlier, the equivalent of three detention centres could be closed without reducing the number of migrants returned. In addition, between 2012 and 2015 the Home Office paid out almost £14 million in compensation following claims for unlawful detention.

Indefinite detention causes incalculable harm to individuals: there is mounting evidence of risks to both physical and mental health of people in detention. Since 2000, 31 people have died in UK detention centres. Recent statistics from the HMIP inspection into Morton Hall show that incidents of self harm have tripled. Suicide attempts across the detention estate in 2016 totalled at 341, one almost every day.

### **Promoting integration and social cohesion in communities across the UK**

The current coercive approach to immigration enforcement is both ineffective and divisive. Experience of enforcement measures such as raids and detention has a profound impact on migrant communities, often creating distrust in authorities and acting as a barrier to integration and social cohesion.

Community based alternatives to detention both provide a route out of this over-reliance on detention, and a way of building trust between the Home Office and individuals and communities alienated by immigration enforcement. Detention Action's report [\*Without Detention: Opportunities for Alternatives\*](#) sets out how immigration management systems not based on detention could be better for migrants, communities and effective immigration control itself.

The evidence exists that alternatives can work in the UK, even with the most complex individuals. Detention Action has piloted a small successful community support project for young ex-offenders with barriers to deportation, at risk of indefinite detention.

### **Reform agenda for a 28 day time limit**

There is growing support to introduce a time limit. The Parliamentary Inquiry into the Use of Detention, held by the All Party Parliamentary Groups on Refugees and Migration, called for a 28 day time limit in 2015. The inquiry also called for a 'wholesale change in culture, towards community models of engagement and better caseworking and decision-making.' The 'enforcement-focused culture' of the Home Office leads it to detain 'far too many people unnecessarily and for far too long.' The inquiry concluded that 'decisions to detain should be very rare and detention should be for the shortest possible time and only to effect removal.'

The Shaw Review in January 2016 urged the Government to begin the process of reducing detention 'boldly and without delay'. The Review called for a range of changes, including 'a strengthening of legal safeguards against 'excessive length of detention'; the application of 'much greater energy' to exploring alternatives to detention, including community support.

In March 2017, a Westminster Hall debate on vulnerability in detention highlighted cross-party support for a time limit.

The Government has accepted the broad thrust of the Shaw Review and hinted at a wide-ranging reform programme to reduce the scale and periods of detention, but has not committed to introducing a time limit on detention.

## **Recommendations**

**We are calling on political parties to commit to end indefinite detention by introducing a 28 day time limit.**

**We are calling on political parties to reduce the use of detention in favour of community-based alternatives, based on engagement rather than enforcement.**

## **About Detention Action**

Detention Action is a national charity established in 1993 that aims to change the way that migrants are treated by immigration detention policy in the UK. Detention Action defends the rights and improves the welfare of people in detention by combining support for individuals with campaigning for policy change. Detention Action works in Harmondsworth and Colnbrook Immigration Removal Centres (IRCs), near Heathrow Airport in London, and the Verne IRC in Portland, Dorset.

Detention Action campaigns to end indefinite detention and for the introduction of alternatives to detention.