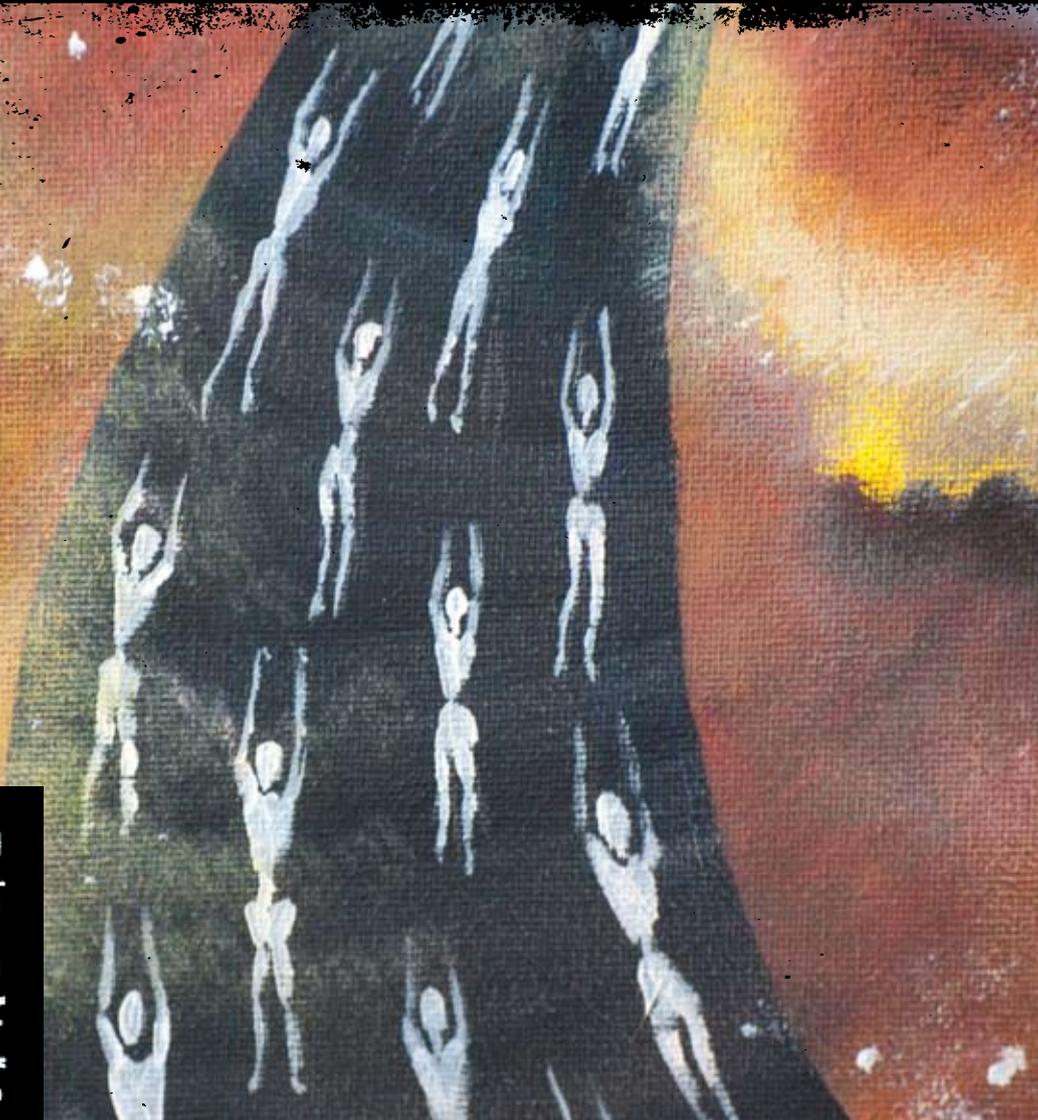


**NO RETURN  
NO RELEASE  
NO REASON**

Challenging Indefinite Detention



### Thanks:

We are grateful to the people detained in Colnbrook, Harmondsworth and Yarls Wood Immigration Removal Centres who gave interviews for this report: Ahmad Javani, Anthony Suntharash, Arben Draga, Dino Maphosa, Fouad, Imran Uddin, James Christian, Mohammed, Rabah, Rashid Ali, Rooney and Ruth.

### Many thanks to:

The detained artists who provided the images for this report: Amour, Fangué, Imran Uddin, Mohamad Hosein Shojai, Monday Yanya, M, Mohammed Shoaib, Odunayo, Ruhul Anam; Mandy Jones and the Harmondsworth IRC art department, and the Colnbrook IRC art department, for publicising LDSG's art competition and supporting the detained artists; all the LDSG staff, volunteers and committee members who assisted with the report; Yarls Wood Befrienders for interviewing one of their clients for this report; Sue Willman, Neena Acharya, Adam Hundt, Joanna Thomson, Louise Whitfield and Pierce Glynn Solicitors for advice, guidance and indefatigable legal advocacy; Lord Ramsbotham for contributing the foreword. Special thanks to Eiri Ohtani for editing the report.

LDSG's Detained Lives campaign has been a collaborative affair, relying on much generous help. We would like to thank the following people and organisations who have helped us with our campaign: Lord Hylton; Jo Hickman of Public Law Project; Anne Singh and Hamish Arnott of Bhatt Murphy Solicitors; Eileen Bye of Luqmani Thomson Solicitors; Amarjit Ahluwalia; Roopa Tanna; Laura Dubinsky and Alasdair Mackenzie of Doughty Street Chambers; Alison Harvey and Steve Symonds of Immigration Law Practitioners Association; Richard Lumley, Anna Musgrave and Jonathan Ellis of Refugee Council; all other organisations that have worked with us on the campaign, particularly Brighton Voices in Exile, Dover Detainee Visitor Group, Gatwick Detainees Welfare Group, Kent Refugee Help, National Association of Anti-Deportation Campaigns, Quaker Asylum and Refugee Network, Scottish Detainee Visitors and Unity Centre Glasgow.

In particular, our sincere thanks go to all the people who have experienced indefinite detention and have worked with us on the campaign.

The Detained Lives campaign is supported by Barrow Cadbury Trust and Oak Foundation.

LDSG is also supported by 29th May 1961 Charitable Trust, AB Charitable Trust, AW.60 Charitable Trust, Bromley Trust, City Parochial Foundation (now Trust for London), Eleanor Rathbone Charitable Trust, Henry Smith Charity, Jill Franklin Trust, LankellyChase Foundation, Lloyds TSB Foundation, Matrix Chambers, the Norda Trust, Odin Charitable Trust, Sir Halley Stewart Charitable Trust, the Tudor Trust.

Design by Andrew Harvey, [www.harveygraphic.co.uk](http://www.harveygraphic.co.uk)  
Cover art by Mohammed Shoaib

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*The night before I was detained,  
I dreamt that I had been caught  
up in fishing nets.*

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- Dino Maphosa from Zimbabwe, detained 2 years 8 months



For more information about the Detained Lives campaign,  
please visit [www.detainedlives.org](http://www.detainedlives.org)

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*'The Whisper is self experience in detention centre,  
Maybe whisper is loud than shouting.  
The story of the whisper inside every part,  
The colour, the black board, the bed, the razor wire around the bed,  
The rope, the landline phone,  
The mobile and why they are out of order.  
The UKBA letter and the only word you can read.  
Maybe he not looks like me but I'm sure that is me.'*

M 'Whisper'

*Mohammed Shoaib 'Dead End in Detention'*

### About LDSG:

London Detainee Support Group (LDSG) was established in 1993 to improve the welfare of immigration detainees in the London area. LDSG provides emotional and practical support to immigration detainees, primarily in Harmondsworth and Colnbrook Immigration Removal Centres, near Heathrow Airport. A pool of around 40 volunteer visitors support individual detainees through regular visits. A team of five full-time staff and ten office-based volunteers assist detainees with casework and referrals, including covering the detainee free-phone. The Leaving Detention Advice Project advises and represents detainees in applying for bail addresses, which can enable them to seek their release from detention and avoid subsequent destitution. Regular on-site advice workshops are held in both centres, providing accessible advice and building relationships with hard-to-reach detainees.

The Detained Lives campaign aims to end indefinite detention. It was launched by LDSG in January 2009, with the publication of a research report on the real cost of detaining migrants indefinitely. The campaign has had significant success in initiating debate on this hidden practice and enabling detainees' voices to be heard.

# EXECUTIVE SUMMARY

**In January 2009, London Detainee Support Group (LDSG) published research on the hidden practice of indefinite immigration detention. The research investigated the cases of 188 people supported by LDSG who had been detained for over a year, and interviewed 24 of them. It concluded that indefinite detention is ineffective, inefficient, opaque, and entails a terrible human cost. Following the report, LDSG launched a campaign, *Detained Lives*, to bring an end to indefinite detention. This report revisits those cases to find out what happened, and assesses what has changed since then.**

## Ineffective and inefficient

Twenty months on, the evidence confirms what was suspected at the time: indefinite detention usually does not lead to deportation. If deportation has not been possible after a year, it is unlikely to become possible later. A full 57% of the indefinite detainees surveyed in the report have been released. They have lost years of their lives in detention to no purpose. Only a third of the detainees were deported. The detainees have been held for a total of 399 years, at a cost to the taxpayer of over £27 million.

## Unlawful

The High Court has ruled in a series of judgments that detention for years with no prospect of deportation is unlawful. Many indefinite detainees who cannot be deported to countries like Somalia have been released as a result. LDSG has worked strategically with solicitors to identify and initiate unlawful detention actions. The result is a body of case law that constrains, but does not yet abolish, the power to detain migrants indefinitely.

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***“Please stop, stop wasting tax payers’ money and people’s life.” -***

Rashid Ali, detained four years

## Controversial

In contrast to the debate over proposals to detain suspected terrorists for 42 days, the indefinite detention of migrants has not received the public profile that it merits. However, international and domestic monitoring bodies have increasingly condemned indefinite detention. The HM Chief Inspector of Prisons has drawn attention to the distress of detainees held indefinitely with no prospect of imminent removal. The UN Working Group on Arbitrary Detention has condemned indefinite detention as arbitrary and a deprivation of the equal protection of the law on grounds of citizenship. The issue has attracted critical coverage in the national media. Organisations working with detainees are increasingly coming together to challenge the practice and have joined LDSG in calling for an end to indefinite detention.

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***“Maybe they aren’t human or I’m not human.” -***

Ahmad Javani, detained 13 months

## Damaging

Yet people who cannot be deported continue to be detained for years. This report features the voices of twelve current detainees who have been held for over a year, and artistic representations of indefinite detention by a further twelve detainees. They describe their frustration as months turn into years with no developments in their cases. They speak of the damage to their own and other detainees’ mental health. The words and the art of indefinite detainees run throughout this report.



# FOREWORD



In March 2008, the Independent Asylum Commission published its interim findings, followed by three separate reports covering how it was decided who needed sanctuary, what happens when sanctuary is refused and how people seeking sanctuary are treated. Collectively they form a very constructive overview of what needs to happen to make improvements, on top of a pretty damning indictment of our current asylum and immigration system, once described by a former Home Secretary, John Reid, as not being fit for purpose.

Recently a number of members of the Coalition government have reminded the public of a remarkable speech made in July 1910, by another former Home Secretary, Winston Churchill, in which he said that the way in which it treated crime and criminals was a true test of the civilisation of any country. Most asylum and immigration seekers have committed no crime, which makes how they are treated an even starker test. In all too many respects I fear that the way in which this country treats such people does not warrant an epithet which we were once proud to claim throughout the world.

As Chief Inspector of Prisons from 1995-2001, responsible for the inspection of what were then called Immigration Detention Centres, I was concerned at the length of time processing seemed to take, including an issue that affected both systems, namely the processing of those whose sentence included deportation from the country. In logic I could see no reason why that processing should not take place during the period of imprisonment so that, on release, the person concerned was taken straight to the airport and flown home. Instead nothing was done during imprisonment, the person concerned was moved, inappropriately, to an immigration centre, and the process started from there. Quite apart from causing problems in detention centres, this involved considerable delay and distress to many people.

This report focuses on a sub-group of these, who are condemned to indefinite detention, because they cannot be deported. Another sub-group are officially condemned to destitution, denied the right to work or benefits. As a Commissioner I am therefore very glad to welcome it because, in addition to following up LDSG research published in 2009, it is maintaining the momentum on issues that were put, formally, to government over two years ago, and still have not been resolved.

The coalition government appears to be keen to resolve the wholly unsatisfactory situation it inherited. It will need to do so as the system comes under even greater strain due to climate change and other drivers of population movement. In taking such action it will do well to listen to practitioners such as the London Detainee Support Group who, in addition to being keen to salvage our national reputation, stand ready to help in any way they can. But change will only happen if the 'culture of disbelief', that has marked too many official responses to asylum issues in the recent past, is consigned to the dustbin.

**Lord Ramsbotham**



*Monday Yanya 'My time'*

# INTRODUCTION

**The campaign against indefinite immigration detention began one day in a corridor of Colnbrook Immigration Removal Centre in April 2008. Mohammed, a detainee from Sudan, came to an advice workshop held by LDSG. Mohammed was too angry to sit down with an advisor, and explained his frustration in the corridor. He had been detained for 18 months at that time, after finishing a prison sentence for using a false passport. He had obtained a false passport because he was homeless and desperate to leave the UK. His asylum had been refused, he was cooperating with the return process, but the Sudanese embassy refused to issue him a travel document. Every day the news was full of condemnations of proposals to detain terror suspects for 42 days. Yet he, and many others in the same limbo, was ignored. "I've been detained for 18 months, I'm not dangerous. Why is no-one talking about me? You should be telling people outside that this is happening."**

Nine months later, in January 2009, LDSG published the Detained Lives report on the real cost of indefinite immigration detention. Until then the term "indefinite detention" was hardly ever used to describe long-term immigration detention without time limit. The report focused on the testimony of twenty four people who had been detained for over a year, including Mohammed. They spoke of their frustration, their fears, the deterioration of their mental health. They spoke of the injustice of a faceless and opaque system that endlessly refused their release, yet was incapable of arranging their deportation. They spoke of their shock that such things could happen in Britain, a country that they had always seen as a haven of respect for human rights.

The statistics produced by LDSG's research identified that extreme long-term detention was becoming normal. LDSG's volunteer researchers reviewed 188 case files of people supported by the organisation who had been detained for over a year. They found that at that time, only 18% had been deported, whereas a quarter had been released. However, well over half remained in detention. Would they ultimately be deported? Does arranging deportations really take years, or is the reality that many migrants simply cannot be deported?

This report attempts to answer that question, by considering the progress or otherwise of those 188 people's cases, 20 months on. In addition, it traces the development of the debate over indefinite detention in the intervening period. What impact has the campaign against indefinite detention had? Is the issue as hidden and neglected as it was in 2008? What are the experiences of the people who continue to be detained indefinitely?

This report has three elements. First, it updates the statistics produced for the 2009 research, to identify the outcomes of those 188 cases. Second, interspersed through the report are the voices of people who continue to face indefinite detention. Third, the report traces the way that challenges to and criticisms of indefinite detention have grown in a range of contexts. The overwhelming political pressure on the UK Border Agency (UKBA) to indiscriminately detain foreign ex-offenders, following the dismissal of Charles Clarke as Home Secretary, has been countered by increasing political opposition and a growing awareness that current detention practice is problematic. Once the problem was clearly identified, legal challenges have had a significant impact in delimiting the lawfulness of indefinite detention and securing the release of many detainees. Authoritative domestic and international bodies have become increasingly outspoken in their criticisms of the practice. And ever more civil society bodies are working together to call for detention reform.

There is still a long way to go before indefinite detention ceases to take place. It is hoped that this report will mark a step towards this end.



**Ahmad Javani from Iran,  
detained 13 months**

Everyday, you just seeing every day same people, same officers, same doors, same food. I don't know what to do. I read all the books in the library. I want my freedom back. I want back to my freedom.

I don't know when I'm going to get back to my life. Could be any time, could be five years, could be five days. We don't know you know, that's what's killing us here.

I'm not happy to go back but I say to them anything you want to do, just do it please. Whatever you want to do, just do it because I don't want to stay in this place.

They are too slow, they are too slow, they have no answers to our questions. I said c'mon man, how long will this take, just give me something roughly, you don't have to say exactly. They say they are waiting for my embassy, then I call my embassy, my embassy says we did not receive anything from you yet. I don't understand even with letter, with fax, even write a letter it takes more than two or three weeks. One month, three months, five months, six months, how long one year?

If any single normal person came to this place you'd go mental, mad in this place. I was a normal person before coming to this place, and now, I'm forgetting things always. Like old people that forget things. I can't understand, I'm not the same person. I'm a different person.

Who gives this power to them to keep these people here for years and years and years, to make them mental and crazy? I'll have a hard job to get back to normal again you know. I speak to quite a few people outside; they release them after 4 or 5 years, I phone them to talk and they cannot talk. I just want to talk and they say I cannot listen to you. They can't listen anymore because their head is gone. That's why, before it's too late, I want get back to my normal life, before it's too late.

People don't do this to animals, like a dog and cat they don't keep them inside for a long time. We are human. Maybe I'm asleep or maybe they are asleep. Maybe they aren't human or I'm not human.

Hopefully I'll get back to my normal life, everyone we'll all get back to our normal lives, our freedom, because I feel here like a dead body just walking and talking. My wish is I can get back to my life again. My freedom.

# WHAT FINALLY HAPPENS TO INDEFINITE DETAINEES?

## Quantitative analysis of case files

In December 2008, as part of the research for the *Detained Lives* report, LDSG surveyed the case files of all 188 detainees who were in contact with the organisation and who had been detained for a year or more following the new Home Office blanket policy of detention of ex-offenders.<sup>1</sup> These case files gave only a glimpse of the true extent of indefinite detention, as they included only those detainees passing through two detention centres, Colnbrook and Harmondsworth Immigration Removal Centres (IRCs), who had been supported by LDSG. LDSG is not in contact with all detainees in these two centres, and there are in total eleven detention centres in the UK. However, further research has since confirmed that the largest numbers of long-term detainees are held in Colnbrook.<sup>2</sup>

At that time, only 18% of the 188 detainees had been deported. 24% had been released from detention on bail or Temporary Admission and 1% had been granted leave to remain in the UK. However, more than half (57%) continued to remain in detention<sup>3</sup>. As a result, it was still not clear whether detention for years leads ultimately to deportation, even after extreme delays.



*Harmondsworth Immigration Removal Centre*

Twenty months on, we repeated the survey and were able to confirm what finally happened to 167 out of these 188 detainees. We were unable to find out what happened to 21 of the original group after they left the detention centre in which they were held.<sup>4</sup>

1 The methodology of the research and nationalities of the detainee group are described in LDSG, *Detained Lives*, January 2009, pp8-9, 12-13, <http://www.detainedlives.org/wp-content/uploads/detainedlives.pdf>.  
 2 LDSG, Gatwick Detainees Welfare Group, Dover Detainee Visitor Group, Haslar Visitors Group and Liverpool Prisons Visiting Group, *Indefinite detention in the UK*, June 2009, <http://www.detainedlives.org/wp-content/uploads/ldsgreport-0609.pdf>.  
 3 For more information, see LDSG, *Detained Lives*, op.cit., pp12-13.

4 LDSG identified final outcomes for 167 detainees, 88% of the original survey group of 188 detainees. In the remaining 21 cases, the date on which they left the detention centre was used to calculate the length of detention. It is not known whether they were released, deported or simply transferred to another detention centre.

Outcome	Numbers of detainees	Percentage
<b>Released</b>	<b>95</b>	<b>57%</b>
Bail	62	37%
Temporary Admission	23	14%
Release following unlawful detention action at High Court	5	3%
Granted permanent status	5	3%
<b>Deported</b>	<b>56</b>	<b>34%</b>
<b>Still Detained</b>	<b>15</b>	<b>9%</b>
<b>Absconded</b>	<b>1</b>	<b>1%</b>
<b>Total</b>	<b>167</b>	<b>100%</b>

Period of detention	Numbers of detainees	Percentage
4 years or more	8	4%
3.5 to 4 years	12	6%
3 to 3.5 years	8	4%
2.5 to 3 years	24	13%
2 to 2.5 years	30	16%
1.5 to 2 years	52	28%
1 - 1.5 years	54	29%
<b>Total</b>	<b>188</b>	<b>100%</b>

Of those 167 cases we traced, our survey shows that only a third of the detainees (56 out of 167) have been deported.<sup>5</sup>

In two thirds of cases (111 out of 167), detention of an average of over 25 months has not led to deportation.

A clear majority, 57% (96 out of 167), were finally released from detention. Their detention, for an average of over two years, has served no purpose. Five of them were released after the High Court ruled that their detention was unlawful.

Almost one in ten detainees (15 out of 167) remain in detention. These fifteen people have been detained for an average of three years and four months each. They still do not know when they will leave detention.

<sup>5</sup> Even in the unlikely event that all 21 detainees who could not be traced had been deported, only 41% of the original group (77 out of 188) would have been deported.

The UKBA states that detention is for the shortest possible time in order to effect deportation. It is clear that, for these detainees, this was not the case.

The detainees in the original survey group of 188 have now been detained for a total of at least 399 years.<sup>6</sup> The last available figures give the cost of detention in Colnbrook, where the great majority were held, as £68,000 per detainee per year<sup>7</sup>. Even without allowing for inflation, this suggests that the detention of these 188 people has cost the taxpayer over £27 million.

<sup>6</sup> For those 21 detainees who could not be traced, the date on which they left the detention centre was used to calculate this figure. As some will have been transferred to other centres, the figures given for lengths of detention in this report will slightly understate the reality.

<sup>7</sup> Costs for 2005-06, given by Home Office, response to a request under the Freedom of Information Act, January 2007, quoted by Information Centre about Asylum and Refugees, *Detention of Asylum Seekers in the UK, 2007*, p6.

Country of origin	Numbers released	Numbers deported	Numbers still detained	Total
Algeria	13	6	2	21
Iran	16	2	0	18
Iraq	7	7	2	16
Somalia	12	3	2	17
<b>Total</b>	<b>48</b>	<b>18</b>	<b>6</b>	<b>72</b>

The initial research identified that 82 of the detainees, or 44%, were from just four countries, all of which had well-documented barriers to removal: Algeria, Iran, Iraq and Somalia. The figures for these nationalities tell a striking story of the futility of indefinite detention. 89% of Iranian detainees were released, and only one out of ten deported. 71% of Somalis were released; all three deported were sent to Somaliland, while none were deported to south or central Somalia. 62% of Algerians were released. Only Iraqis were as likely to be deported as released, following the resumption of enforced removals in October 2009.

Two people died of terminal illness shortly after being released from detention on Temporary Admission. Neither could be removed to their countries of origin, Somalia and Zimbabwe.

One man died the day after his release. He had been detained for 23 months.

### **Fouad, an Ahwazi from Iran, detained one year and seven months**

To be honest, what I thought about Britain was I would never face a situation like this. I believe in destiny and I believe my destiny was to be here. When I got in that truck for Europe I didn't know where in Europe I would end up. When I ended up in England I didn't have much of an idea about England to be honest. English-Iranian relations are not that good so we didn't know that much apart from seeing movies etc.

I would say if you claim human rights please act on it. Human rights are a big thing for a country to claim, it's really a big responsibility. We must not think "I'm British" or "I'm Iranian" etc; we are all human beings, the same creatures, and we have to be united. Keeping detainees doesn't solve any problem. I hope whoever is there to hear my voice can do something about it.



Fangué 'My Life'

# Review of indefinite detention

## “SOME SORT OF POLICY DECISION NEEDED”

### Indefinite detention in political context

The grim story of indefinite immigration detention in the UK begins on 25 April 2006. The newspapers are full of the scandal of the UKBA's failure to assess foreign offenders for deportation. Some serious offenders have been released on finishing their sentences, without anyone in the UKBA considering whether they should be deported. A furious manhunt is launched to track them down and detain them. No voices are raised to point out that they are no more dangerous than British ex-offenders who have been released on finishing their sentences. The consensus is already clear: foreign ex-offenders belong in detention.

Within weeks, Home Secretary Charles Clarke's front-bench career is over. Soon, John Reid is declaring the Home Office “not fit for purpose”. But the bureaucratic response is already under way: it is not enough to address the clear mistakes that have been made and ensure that no foreign offenders are forgotten; rather, the detention and deportation of foreign ex-offenders are to be dramatically expanded.

A secret policy of blanket detention of all who meet the criteria for deportation was adopted, later found to be unlawful by the courts. The Criminal Casework Directorate of the UKBA was suddenly expanded many times over, and new and under-trained caseworkers seem to have contributed to an atmosphere of chaos. Many British nationals were unlawfully detained, sometimes purely on the basis of having been born abroad. One of many unlawful detention actions initiated by LDSG's litigation project with Pierce Glynn Solicitors led to a British citizen settling out of court for £100,000, after having been detained for 18 months, despite telling the UKBA that he was British.<sup>8</sup>

<sup>8</sup> Pierce Glynn website, 30 July 2010, [http://www.pierceglyn.co.uk/news\\_1.htm](http://www.pierceglyn.co.uk/news_1.htm).

#### **Ruth from Jamaica, detained 14 months**

I've been detained since last year, the 29th of June. Fourteen months. I call the UK my home because I'm living here for thirteen years. My little son, he grow like all the time here, going full time education here. And it really affects his education and sometimes he call me crying. It really hurts to know my family is out there living like that worrying about me.

I think separated from our kids is very hard. If you are a mother, and all of these years it's just you and your kids. I'm mummy and daddy for my kids and to separate from my kids like that, it really hurts. Sometimes I call my son and he says Mum I don't have any money I'm broke; I haven't eaten enough food today. I feel like, it's like something moves from my heart.

The extreme political pressure on the UKBA has led to the extended detention of many other people who would never otherwise have been detained. The blanket detention policy meant that factors that would count against detention were ignored. Even since it has been revoked, the culture that this blanket policy represented has remained in place. People with severe mental disorders have continued to be detained, often until they have deteriorated to the point of needing to be sectioned under the Mental Health Act. When they have been released from their section, they have routinely been re-detained. Recognised refugees have been detained, often leading to protracted battles in the courts over whether they could be deported without breaching their human rights.<sup>9</sup> When detainees have won their appeals against deportation, the UKBA has routinely appealed and refused to release them.<sup>10</sup>

<sup>9</sup> See testimony of Arben Draga on p16.

<sup>10</sup> See testimony of Anthony Suntharash on p11.

But the biggest flaw in the logic of blanket detention is the failure to recognise the barriers to deporting people to certain countries. LDSG's research has shown that almost half of people detained for over a year are from four countries: Algeria, Iran, Iraq and Somalia. Forced returns to Somalia have not generally been possible for many years, initially due to the lack of a safe route, and subsequently because the European Court of Human Rights has been stopping individual removals, pending the resolution of several test cases on safety issues. Only a few Somalis who failed to apply to the European Court have been forcibly returned. The reluctance of the Algerian and Iranian Embassies to grant travel documents to allow their nationals to be returned is well documented.<sup>11</sup> For example, HM Inspectorate of Prisons encountered:

"An Algerian who had been held for over three years, [who] had been refused travel documents by the Algerian Embassy three times, even though his UKBA caseworker accepted that he had been complying. Although not disclosed to the detainee, his file noted that there had been a number of cases where removal of a person had not been possible due to the "intransigence" of the Algerian Embassy."<sup>12</sup>

Even within the UKBA there has been confusion as to why undeportable people were being detained. Documents released in the unlawful detention hearing of a non-compliant Iranian detainee, FR, revealed that only eight months into his detention the Chief Immigration Officer had complained that he was "blocking a bed that could so better and more productively be used... The legitimacy of long-term detention must be underpinned by either a realistic prospect of removal or if there is a significant risk to the public. Neither applies in this case."<sup>13</sup> Sensible words, resolutely ignored. FR's release was vetoed, and he was detained for a further 26 months, leaving another officer wondering what policy-makers think that "we should do with this type of case under the existing legislation."<sup>14</sup>

11 Further similar cases are documented in LDSG's dossiers of case study evidence, at [www.lds.org.uk](http://www.lds.org.uk).

12 Report on an announced inspection of Harmondsworth Immigration Removal Centre, 11 – 15 January 2010 by HM Chief Inspector of Prisons, p32.

13 Anonymous Chief Immigration Officer, quoted in *R (on the application of FR)*, [2009] EWHC 2094 (QB), High Court of Justice Queen's Bench Division, 7 August 2009, para. 39.

14 Anonymous HM Inspector, quoted in *ibid*, para. 50.

## Anthony Suntharesh

**Anthony fled Sri Lanka where he had been tortured in prison for four years, and his family murdered by the army. He was given refugee status in the UK in 2001. He has a five year old son who is British. He was detained in September 2008 after finishing a short sentence for criminal damage, for which he was initially given a suspended sentence. He won his case against deportation in September 2009, but is still detained while he waits for the Home Office's appeal to be heard.**

"Why they keep me here? They can only keep people here who have no refugee status or no legal status. Now I won my case, I got refugee status, I got no deportation order. They have the right to appeal, but they can't keep me here, they keep me here for what? This is like second punishment, third punishment is if they send me to Sri Lanka and I'm going to die. I'll be executed by the government, that's why they gave me refugee status in this country.

Every time my son visits me it breaks my heart, and I can't explain to him because he is too young to understand. He think I'm working here, that's what we told him. Every time he asks why you don't take me to school daddy? Okay, they punish me, but he has done nothing wrong, he is only five years old. UKBA treats us like we come from another planet."

***"We end up blocking up detention space with somebody we cannot remove. More than ever that points to some sort of policy decision being needed."*<sup>15</sup>**

FR's detention was finally ruled to be unlawful by the High Court, and he was released after almost three years.

The UKBA has estimated that a fifth of the outstanding "Legacy" cases of pre-2007 asylum claims "cannot currently be resolved as there are external factors which prevent the Agency from either removing the applicants or allowing them to stay in the UK".<sup>16</sup> These external factors are in many cases likely to be barriers to removal such as obtaining travel documents. The UKBA told the National Audit Office that it is "exploring options to conclude these cases";<sup>17</sup> the nature of these options is not specified.

15 *Ibid*.

16 National Audit Office, Management of Asylum Claims by the UK Border Agency, 23 January 2009, p9: [http://www.nao.org.uk/publications/0809/management\\_of\\_asylum\\_appl.aspx](http://www.nao.org.uk/publications/0809/management_of_asylum_appl.aspx).

17 *Ibid*.



Imran Uddin 'Give me a Chance'

In March 2009 the UKBA finally responded to lobbying by detention organisations and began to publish statistics on how long it detained migrants. Until then, it had refused to compile this information, claiming that the cost involved would be disproportionate. UKBA publishes quarterly snapshots of how long current detainees had been in detention on a given day. According to the most recent snapshot, 245 people had been detained for over a year on 30 June 2010.<sup>18</sup> However, the statistics are flawed, as they exclude people whom the UKBA has chosen to detain in prisons. Research by LDSG and other charities has suggested that some of the longest-term detainees are held in prisons.<sup>19</sup> As a result, the official statistics understate the true extent of indefinite detention.

At the international level, the European Union's move towards a harmonised asylum and immigration system has included setting an upper time limit for detention. The Returns Directive of June 2008 sets a limit of 18 months. It has been much criticised by monitoring organisations for setting the limit too high, and indeed has led several countries to increase the maximum period that migrants can be detained. Many countries continue to have short time limits however: in France migrants can only be detained for 32 days.<sup>20</sup> The UK has

derogated from the Returns Directive and will not implement it.

Political disquiet over indefinite detention began with the publication of the *Detained Lives* report in January 2009. The growing crystallisation of concerns regarding the civil liberties implications of the practice coincided with a series of High Court rulings and criticisms by influential bodies. LDSG distributed the report widely to MPs and policy-makers, and encouraged supporters of the campaign to write to their MPs.

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***"I believe the current system is confused, inequitable, unjust and administratively chaotic, working to the detriment of the British taxpayer, legitimate migrants and illegal immigrants alike"***

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– Mark Field MP<sup>21</sup>

The issue of indefinite detention was on the political map when it was discussed for the first time in Parliament during the first reading of the Borders, Citizenship and Immigration Bill on 11 February 2009. LDSG had sent the report and briefed peers in advance of the debate, and Lords Hylton, Griffiths and Ramsbotham and Baroness Quin expressed their concern at the report's findings.

<sup>18</sup> Home Office, Control of Immigration, Quarterly Statistical Summary, United Kingdom, April – June 2010, <http://rds.homeoffice.gov.uk/rds/pdfs10/immiq210.pdf>.

<sup>19</sup> LDSG, Gatwick Detainees Welfare Group, Dover Detainee Visitor Group, Haslar Visitors Group and Liverpool Prisons Visiting Group, *Indefinite detention in the UK*, June 2009, <http://www.detainedlives.org/wp-content/uploads/ldsgreport-0609.pdf>.

<sup>20</sup> European Council on Refugees and Exiles, *Returns Directive: EU Fails to uphold human rights*, 18 June 2008, <http://www.ecre.org/files/ECRE%20press%20release%20Returns%20Dir.pdf>.

<sup>21</sup> Letter to *Detained Lives* supporter, 9 March 2009.

***“Will the Government ... set statutory time limits for detention prior to deportation or more generally? Such limits exist in several European Union states, often specifying six months or less.” -***

Lord Hylton<sup>22</sup>

The campaign gained further momentum when the Liberal Democrats' 2010 general election manifesto included a pledge to “end the detention of individuals for whom removal is not possible or imminent.”<sup>23</sup> This pledge was consistent with higher profile pledges to end the detention of children and grant an earned amnesty for asylum seekers, adding up to a recognition that civil liberties must apply to all, including foreigners and regardless of popularity. LDSG has worked closely with Liberal Democrat Parliamentarians throughout the campaign, and a fringe meeting is planned for the party conference in September 2010.

***“My Liberal Democrat colleagues and I believe that the practice of indefinite detention is inhumane.”***

Lynne Featherstone MP<sup>24</sup>

Indefinite immigration detention remains a marginal political issue. Mainstream politicians and media are yet to be convinced that the civil liberties of non-British citizens are also worthy of concern. Nevertheless, the new government's focus on cutting wasteful public spending and rejection of the previous government's encroachments on civil liberties present important opportunities to increase the political pressure. The Home Office spending cuts have already impacted on detention policy, with the cancellation of all three planned new detention centres. The time is right to make the case for a more pragmatic and humane approach to immigration control that does not ignore the rights of people living in the UK who are not British citizens.

22 Hansard 4 Mar 2009, Borders, Citizenship and Immigration Bill, Committee Stage, <http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/90304-0009.htm>.

23 Liberal Democrats, *Manifesto 2010: Change that works for you*, May 2010, p77.

24 Letter to *Detained Lives* supporter, 15 April 2010.

### ***Imran Uddin from Stratford and Pakistan, detained 20 months***

I've been here since I was a minor. I been to primary school, junior school, secondary school, everything, all my family's ties, I got three sisters, my mum and dad they passed away, they died, they are buried here. Since arriving in the UK I've never been back to Pakistan, so I don't even know what it looks like. I didn't apply for a passport because I wasn't travelling anywhere. I haven't been outside of the UK since I come here. If I had a passport I wouldn't be here. So basically a passport is worth more than a man's life. Just because I haven't got that red book I've been here for 18 months. It drives you insane.

I have been detained from 12 of November, 2008. I did a ten week custodial sentence for driving while disqualified. I did five weeks in East London in November of 2008, and after that they held me in detention and I've been in detention ever since. I come downstairs, they took my property out for letting me go and then back to immigration and they said no we are holding him. That was 2008 and it's 2010 now. They can't issue me no ticket, they can't issue me no travel documents, they can't issue me nothing. But they still won't issue me bail, they still won't issue me temporary release, they won't give me nothing. So if you can't do something to someone at least let him out until you can do something.

We've got a 20 feet by 60 feet yard where we can walk about, that's all we've got so that we can get our fresh air. You're not allowed to smoke in your room and after 11 o'clock they lock the doors so even if you're a smoker you can't smoke. At the press of a button they move me from six different centres, that comes out of nowhere. They just move you and you start all over again in that centre and then after four months they move you again. It's just 'Oh, Immigration's orders'.

If I get out the first thing I'll do is go to see my family, spend time with my family, obviously. Go and have dinner with them, go and sit down with them and just stay with my family every day. My family is there with me all the time, they will stick by me to the end. They worry that I'll end up dead. So they are saying they'd rather spend their savings on a lawyer and get me out. I'm not from a rich family, they're just working class people. But all the money they saved up for whatever reason, they put it all in lawyers, they already put £3000 into lawyers, when it gets to the High Court that will be another £1000 per hearing and they'd rather pay that because I'm the only brother they've got and I'm the youngest in the family, and they'd rather pay that than see me dead.

I can't read or write the language in Pakistan. Where am I going to start? You know, I've been to primary school in England, junior school, secondary school in England, I've never been back to Pakistan since I arrived here. I don't know what it looks like. I'm going to just wander around the streets, where am I going to go? Am I going to go left, am I going to go right? I can't read the signs, I can't read the language, I can't write, I haven't got a hope in hell.

# “ENOUGH IS ENOUGH HERE”

## Legal challenges to unlawful detention

The most serious and sustained challenge to indefinite detention has come through the courts. A practice that two years ago had acquired the appearance of an inevitable fact of immigration control has been repeatedly condemned by the High Court as unlawful. In a series of judgments over the last 16 months, the High Court has held that detention for years with no prospect of deportation is unlawful. A body of case law has been established that sets parameters, albeit not always clear ones, to how long the UKBA can detain. As a result, it can perhaps be said that indefinite detention, with the full implications of unrestrained exercise of state power, no longer exists in quite the same way.

Until December 2008, the situation appeared very different. Few unlawful detention challenges had been brought, and almost all had been lost. A controversial judgment known as A (Somalia) had signed off as lawful the detention for three and a half years of a Somali with no apparent prospects of removal. In its wake, the High Court had found other shorter periods of detention to also be lawful. LDSG had produced a series of dossiers, based on case study evidence, documenting the barriers to removal of detainees from certain nationalities.<sup>25</sup> Working with Bail for Immigration Detainees, LDSG had identified and referred four Algerian detainees for a successful unlawful detention challenge in January 2008.<sup>26</sup> Yet few solicitors were bringing unlawful detention actions, and the majority of detainees had no idea that they could challenge their detention in the High Court. There seemed no alternative to the endless round of bail applications to the Tribunal, with the consequent endless refusals that detainees described in the *Detained Lives* report.<sup>27</sup>

On 19 December 2008 the High Court found that the UKBA had been unlawfully operating a policy of a presumption of detention for

25 Summaries of the dossiers are available at <http://www.ldsg.org.uk/files/uploads/dossiersummaries0708.pdf>.

26 *A & Ors v SSHD* [2008] EWHC 142 (Admin), 21 January 2008.

27 LDSG, op. cit., p24-7.

### **Rabah from Algeria, detained for 18 months. Rabah has lived in Britain since 1994.**

England is my home, where I have been living twenty years. I've got no other home. I've got a father, I've got a brother, I've got children, two daughters, ex-wife, family, a big family. What I think about is what the government is doing to us: we are people, we don't deserve this. I get married with British citizen, had children, bought a house, I worked so hard years and years. My mum passed away here, I didn't even think to bury her in her country so I buried her here. We've been such long time, we worked for this country, we used to feel like citizens, we worked, we pay taxes, we build a family and then we didn't expect this.

So many people they are thinking about suicide, other people cutting themselves, people going to hospital every day nearly, people throwing themselves from the top, things you see with your eyes and you heard. I'm trying to hold myself, but what I see, it affects you, you know.

I don't see no future. I don't see no out from here. I mean, I don't know, I tried everything: solicitors, papers, letters explaining, life stories, immigration lawyers, everywhere. I talked to everybody but I've got no answer. Nobody gives me any answer, I've nothing. Living in blank. We are life sentence here. I've got no tomorrow here. Every day is the same.

foreign ex-offenders.<sup>28</sup> Anyone whom the UKBA decided to try to deport would be detained: secret guidelines excluded from consideration of release “virtually all [foreign ex-offenders] who had been sentenced to imprisonment”<sup>29</sup>. The 1971 Immigration Act, and the UKBA's published policy, set out a presumption of liberty; the policy that was actually followed required the opposite. UKBA documents disclosed to the court revealed that, in the Home Secretary's

28 *Abdi et al*, [2008] EWHC 3166 (Admin), 19 December 2008.

29 *The Queen on the application of WL (Congo) 1 and 2 and KM (Jamaica)*, [2010] EWCA Civ 111, High Court of Justice Court of Appeal, 19 February 2010, para. 45.

words, “since April 2006 the BIA [now the UKBA] has been applying a near blanket ban on release regardless of whether removal can be achieved and the level of risk to the public”.<sup>30</sup> Even within the Home Office “this position was not thought to be tenable and that IND [also the UKBA] was very vulnerable to legal challenge.”<sup>31</sup>

The appeal in February 2010 found that the unpublished policy from November 2007 until September 2008 was not merely of a presumption of detention but constituted a blanket policy,<sup>32</sup> and that this was unlawful. The ruling also reiterated that keeping secret a policy that conflicted with published policy was unlawful. “There was at a high level a failure to have proper regard to, if not a disregard of, the legal obligations of the Department [UKBA], and the failure does not appear to have been attributable merely to oversight.”<sup>33</sup> However, it found that the detainees bringing the case would have been detained anyway under the published policy with the presumption of liberty, so their detention was lawful and could continue.

*December 2008: LDSG developed a litigation strategy with Pierce Glynn Solicitors*

It was in this gloomy atmosphere that LDSG met with Pierce Glynn Solicitors in December 2008 to develop a litigation strategy. LDSG was in contact with the majority of long-term detainees in Colnbrook IRC, the highest security detention centre and therefore a hub for indefinite detention. Could the right cases be brought to generate positive case law?

Challenging the detention of Somalis seemed the place to start, notwithstanding the terrible precedent of A (Somalia). LDSG was visiting several young Somalis who had been detained for two to three years. Opinions varied as to whether and for what periods it had been possible to deport people to Mogadishu, perhaps the most dangerous city on earth; a widely circulated anecdote told of a Saudi deportation flight that had turned back after being shot at by gunmen at the airport. By now the European Court of Human Rights was issuing letters to Somali applicants stopping removals, pending a hearing that in turn was pending domestic litigation. Only Somalis who failed to apply to the European Court could be deported. However, no Somali detainees seemed to be granted bail: Liban Ali Kadir told the *Detained Lives* researchers that “the way I look at is, I’m doing a life sentence.”<sup>34</sup>

30 Submission by the Home Secretary to the Prime Minister, quoted in *ibid*, para. 45.

31 Advice from counsel to Home Office, 18 September 2006, quoted in *ibid*, para. 40.

32 *Ibid*, para. 45.

33 *Ibid*, para. 6.

34 Liban Ali Kadir, quoted in LDSG, *op cit*, p18.

Over the next few months, LDSG referred ten Somali detainees to Pierce Glynn and other solicitors. The project was soon extended to other nationalities. No clear criteria for unlawful detention existed, so it was necessary to monitor the emerging case law and develop guidelines for identifying suitable cases. Meanwhile, LDSG staff and volunteers were holding regular on-site workshops in Harmondsworth and Colnbrook and speaking daily on the telephone to detainees. Suitable cases were identified, further paperwork was obtained from clients, and case histories were written up and sent to potential solicitors. As the numbers of potential cases increased, LDSG approached four leading public law and immigration solicitors to discuss making referrals for unlawful detention, in order to increase potential capacity. Since LDSG only works with detainees in the London area, it was also essential to work with other detention organisations around the country to share expertise, so LDSG produced written guidelines on identifying potential unlawful detention cases and delivered presentations at network meetings.

*December 2008 – December 2009: LDSG referred 28 detainees for unlawful detention actions. 13 were released as a result of these actions. In total 21 have been released.*

In case after case, the period of detention was ruled unlawful. The timeliness of the project was revealed shortly before the first of these cases came to court, when the appeal was heard of a Somali involved in the “secret policy” case, who had been detained for 30 months. Mr Justice Davis reminded the UKBA that immigration detention “is not to be used as a disguised form of preventative detention for the public safety.”<sup>35</sup> He found that the UKBA’s efforts to deport Somalis to Mogadishu despite the position of the European Court of Human Rights “shows a nice (or perhaps, changing the meaning of the word, not so nice) regard on the part of the Home Office to the letter of the law (and) an almost total disregard to the spirit behind the European Court of Human Rights’ stance.”<sup>36</sup>

***“The time has come in this particular case to say that enough is enough here. The relevant legal proceedings are likely to go on for a long time... potentially even running into years... by now a reasonable period of time for detaining him has elapsed.”***

Mr Justice Davis<sup>37</sup>

35 Mr Justice Davis, *The Queen on the application of Abdi*, EWHC 1324, High Court of Justice Queen’s Bench Division, 22 May 2009, para. 41.

36 *Ibid*, para. 73.

37 *Ibid*, para. 76.

During 2009, four further Somali detainees referred by LDSG were released by the High Court, including two who had been interviewed for the *Detained Lives* research. This has created a solid body of case law of the limits on the lawfulness of detention when deportation is a remote possibility.

***(E)nough is now enough so far as this claimant is concerned. The elasticity of statutory provisions, having regard to their underlying purpose, does not warrant a further period of detention. The elastic has broken.***

Mr Justice Charles<sup>38</sup>

*August 2009: LDSG calls on UKBA to reconsider detaining Somalis.*

Despite these judgments, there seemed to be no change in UKBA practice in detaining Somalis. LDSG wrote to the Strategic Director Criminality and Detention suggesting that UKBA review their policies in the light of the case law in order to avoid all Somali detainees having to individually litigate in the High Court. The reply stated that the UKBA did not regard it as appropriate to have a blanket policy on a particular nationality.

The new body of case law on the limits of lawful detention has since extended to other nationalities and circumstances. For example, in the case of a Chinese detainee called Wang who had been detained for 30 months while the Embassy refused to issue a travel document, the High Court held that “on any view that is a very long time and right at the outer limit of the period of detention which can be justified ... except in the case of someone who has in the past committed very serious offences and who may go on to commit further such offences or who poses a risk to national security.”<sup>39</sup> Ordering Mr Wang’s release, Mr Justice Mitting went on to note that:

### ***Arben Draga from Kosovo, detained three years and six months***

**Arben came to Britain when he was aged 16. His claim for asylum was accepted, and he was granted refugee status. After he finished a prison sentence he was detained for 9 months and released. He was detained for a second time in November 2007. He is still waiting for his appeal against deportation to be heard.**

Immigration, they ruined my life up here. I just starting to remember what my life was like before, I was living on my own, I had a girl, I had a loved one. I lost everything I had, I lost my house, so I lost everything. I feel depressed and lonely, stuff like that. I have days sometimes when I don’t feel like getting out of my room, I want to stay alone. I want to get out, to get fresh air, I get frustrated you know sometimes. Keep hearing voices at night time. I never got that before.

I don’t see a future you know, I don’t see a future. It feels like I’m locked up for life or something, that’s my future. I find most shocking they treat people like this. I never knew someone can be treated like this. Like be detained for years. I mean we’re human beings. Human beings should be given a chance. That’s what I believe. That’s a democracy. I’ve never seen this before.

***“It is a disturbing feature of this case that a young man who apparently did not suffer from any mental condition when taken into detention now does so and that his continued detention may be a contributory cause to the development and continuance of that condition.”*<sup>40</sup>**

In the case of FR, an Iranian with no previous criminal convictions who had been detained for 34 months and prosecuted three times for refusing to cooperate with removal, Mr Justice Foskett held that if he considered “whether the Secretary of State has proved on the balance of probabilities that there is a reasonable prospect of securing the Claimant’s removal within a reasonable time, then the answer on the evidence before me is clear – the Secretary of State has not established this.”<sup>41</sup>

<sup>38</sup> MM, [2009] EWHC 2353 (Admin), High Court of Justice Queen’s Bench Division, 22<sup>nd</sup> July 2009, para. 46.

<sup>39</sup> Mr Justice Mitting, *The Queen on the application of Wang*, [2009] EWHC 1578 (Admin) High Court of Justice Queen’s Bench Division, 5 June 2009, para. 27.

<sup>40</sup> *Ibid.*, para 33.

<sup>41</sup> Mr Justice Foskett, R (on the application of FR), [2009] EWHC 2094 (QB), High Court of Justice Queen’s Bench Division, 7 August 2009, para. 71.



*Detained Lives launch event, January 2009*

*"The launch of Detained Lives highlighted to the legal community the increasing use of indefinite detention, the increasing length of time detainees were being held and the adverse effects on their mental health and welfare. Lawyers responded strategically via LDSG's litigation project by bringing judicial reviews in as many cases as possible, with a focus on the 'worst' cases: those with the longest periods of detention and those experiencing serious adverse health effects. These ranged from detainees with inadequately treated HIV to psychoses, some held for over four years. In my firm's experience, UKBA has generally responded by defending indefensible periods of detention, only releasing detainees or settling cases at the doors of the court or when ordered to do so by a judge. This has resulted in a series of High Court judgments, clarifying the parameters of unlawful detention. Many have been positive, at least in part.*

*It is disappointing that there seems to be a gradual slide towards longer periods of detention being treated as acceptable, but this appears ripe for challenge. The challenge ahead is whether there will be public funding for lawyers to bring these important cases."*

**Sue Willman, Pierce Glynn Solicitors**

The case law does not amount to clear guidelines as to when detention becomes unlawful. The judgments consistently agree that each case must be judged on its own merits. The only clear rules of thumb that have emerged are that the thresholds are high: all of the unlawful detention rulings concerned detainees held for more than a year, and in most cases for much longer. The courts have not held that detention in these cases was unlawful throughout, but that it only became so after many months or years, even where the barriers to deportation were evident from the start. The Court of Appeal has found that a detainee from the Democratic Republic of Congo could be lawfully detained for three years and eight months where he was not cooperating with deportation,<sup>42</sup> although the Supreme Court will soon hear an appeal. A recent case initiated by LDSG has clarified that, notwithstanding this ruling, non-cooperation is only one of the factors to be taken into account in assessing whether detention is unlawful.<sup>43</sup> Attempts to challenge indefinite detention of people with

mental disorders<sup>44</sup> and people diagnosed as HIV positive,<sup>45</sup> have also failed.

Nevertheless, the change in atmosphere has been felt. The great majority of unlawful detention cases initiated by LDSG have not reached the High Court. In many cases, the UKBA have agreed to release the detainee in the days leading up to the hearing. One detainee with serious mental health problems, whose only offence had been to use a false document, was released after more than four years in detention on the morning of his High Court hearing. Jafar, who featured in the *Detained Lives* report, was also released before his case came to court, after four years and ten months in detention. Likewise, the case law seems to be influencing the Tribunal to grant bail more often in long-term detention cases, including Daniel and Reza from the *Detained Lives* report.

Sixteen of the 24 detainees interviewed for the *Detained Lives* report have been released. Only three remain in detention.

<sup>42</sup> *The Queen on the application of WL (Congo) 1 and 2 and KM (Jamaica)*, [2010] EWCA Civ 111, High Court of Justice Court of Appeal, 19 February 2010.

<sup>43</sup> *The Queen on the application of HY*, [2010] EWHC 1678, High Court of Justice Queen's Bench Division, 12 April 2010.

<sup>44</sup> *RA*, [2009] EWHC 2496 (Admin), 13 October 2009.

<sup>45</sup> *The Queen on the application of TN (Vietnam), CJ (Dominica) and MD (Angola)*, [2010] EWHC 2184 (Admin), 30 July 2010.

# “FIRST RESORT, NOT LAST RESORT”

## Growing concerns of monitoring bodies

**The practice of indefinite detention has been subject to mounting criticisms from a variety of authoritative monitoring bodies. Almost every independent body that has visited British detention centres over the last two years has commented on the extreme periods that people are being detained and the lack of apparent progress in resolving their cases. These periods are almost unprecedented, both internationally in the European Union and historically in Britain.**

The HM Chief Inspector of Prisons has been the most vocal domestic monitor to criticise indefinite detention. Reporting directly to the Home Secretary, the Inspector has tended to be a forthright critic of aspects of detention policy and practice, but her remit has required a focus on detention conditions, rather than policy. However, in examining casework by the Criminal Casework Directorate (CCD), the Inspector found that in Campsfield “average lengths of stay appeared to be increasing. Some detainees were in effect detained indefinitely because there was little prospect of removal”.<sup>46</sup> Similarly, at Harmondsworth and Brook House, “the length of detention and uncertainty over cases caused considerable distress. Some detainees continued to be detained for long periods, despite no prospect of their imminent removal.”<sup>47</sup>

More positively, the Inspector noted that the team of on-site UKBA administrative staff at Brook House “was complemented by two visiting case owners from the CCD who each attended the centre for two and a half days a week... This recent development had helped to progress cases.”<sup>48</sup> This follows LDSG’s recommendation in January 2009 that “on-site Immigration officers should be reintroduced into detention centres in order to improve communication with detainees.”<sup>49</sup>

However, the Inspector also expressed concern at the inappropriateness of detention facilities to the task of holding people for such long periods. She criticised limited investment in activities for detainees in Brook House, which “had been designed on the assumption that detainees would stay for only a short time before removal or release.”<sup>50</sup> She was very concerned at the potential impact of the new wings at Harmondsworth, which opened in July 2010 shortly after the inspection, as providing “prison-like accommodation, in small and somewhat oppressive cells”.<sup>51</sup>

This concern has been shared by Independent Monitoring Boards (IMBs), volunteers appointed by the Home Secretary whose role is to monitor detention centres. The IMB for Harmondsworth has observed that most detention centres:

***“now hold more people for longer than they were ever intended to... This has implications for the regime and activities.. (T)here is a constant danger... of detention centres being run in a more prison-like fashion. The most obvious manifestation of this is UKBA’s policy - much lamented by this and many other boards - to build all future IRCs to Category B prison designs.”<sup>52</sup>***

The IMB for Harmondsworth also expressed concern about “the quality of the casework that leads to someone being detained in the first place and that underpins their detention over a long period”, leading to detainees “languishing in detention for months or more with no foreseeable prospect of release or deportation.”<sup>53</sup>

46 HM Chief Inspector of Prisons (HMCIPI), Report on an announced inspection of Campsfield House Immigration Removal Centre, 5 – 9 October 2009, p5.

47 HMCIPI, Report on an announced inspection of Harmondsworth Immigration Removal Centre, 11 – 15 January 2010, p31.

48 HMCIPI, Report on a full announced inspection of Brook House Immigration Removal Centre, 15 – 19 March 2010, p31.

49 LDSG, *Detained Lives*, January 2009, p32.

50 HMCIPI, Brook House, op. cit., p5.

51 HMCIPI, Harmondsworth, op. cit., p5.

52 Independent Monitoring Board for Harmondsworth Immigration Removal Centre, 2009 Annual Report, May 2010, p6.

53 Ibid.

The rationale behind indefinite detention has been severely criticised by the Working Group on Arbitrary Detention of the United Nations Human Rights Council. The Working Group concluded that the detention for four and a half years of a Somali, also named Abdi, was arbitrary, in terms that strike at the legitimacy of the wider practice of indefinite detention. Noting that it is “difficult to think of circumstances under which this duration would not be excessive”, the Working Group concluded that “it certainly is in the present case, where the prospects of Mr. Abdi’s removal actually taking place were dim from the beginning and have been deteriorating since then.”<sup>54</sup>

The Working Group noted the Government’s arguments that suggested that Mr Abdi was being detained as a security measure to protect the public. This amounted to “circumventing the procedures available under domestic law to impose security measures against dangerous offenders.” Indefinite public protection sentences involve considerable safeguards such as review by the Parole Board, requiring the government to demonstrate an ongoing risk. By contrast, “in the immigration proceedings, the Government appears to be able to maintain Mr. Abdi in detention simply by pointing to the offence that gave rise to his conviction.” The use of immigration detention as a security measure exploits the “entirely fortuitous... circumstance that he is a foreigner to deprive him of... the equal protection of the law on grounds of citizenship.”<sup>55</sup>

***“Such indefinite detention can only be qualified as ‘arbitrary’.”<sup>56</sup>***

*June 2009: The LDSG Director highlighted indefinite detention in the UK as a panel speaker at a fringe meeting at the UNHCR NGO consultation meetings in Geneva. As part of an International Detention Coalition Delegation, he raised concerns with the UNHCR Assistant High Commissioner - Protection, Erika Feller.*

The Committee on Migration, Refugees and Population of the Parliamentary Assembly of the Council of Europe criticised in January 2010 European states’ use of detention as “an option of first resort and not last resort, (that) can be

54 Working Group on Arbitrary Detention, Mr. Mustafa Abdi v. United Kingdom of Great Britain and Northern Ireland, Working Group on Arbitrary Detention, Opinion No. 45/2006, U.N. Doc. A/HRC/7/4/Add.1 at 40 (2007), published February 2009.

55 Ibid.

56 Ibid.

## **Rooney, from the Middle East, detained two years and eight months**

**After being interviewed for this report, Rooney was granted refugee status and released.**

I been [detained] two years, seven months, and two days. Sometimes I feel I’m 70 years old and I’m gonna die here this place.

Now I’m going back from minus, not from zero. I’m minus, I’m not zero because I’m inside. When I going out, I’ll be zero. Then when they give me paper to work, I become one. When I start work, I’ll get two. When I meet someone, I’ll be three. When I have married, I get four. I get children, I get five. And my life getting better and better if it works that way.

I think of London as home because all the people I like live in London. I think if I am depressed, stressed so much, I am going to go to Green Park, just go and walk around in that area and I feel comfortable. If I got all the stress in the world I go there. You walk around and you’ll be happy because it’s beautiful.

I feel the future now behind me. I feel I passed the future. They kill the four years, they miss four years, they destroy them.

All my clothes getting dirty and old, so I need to buy some clothes. One guy he got visit, I give him nice clothes for the visit. The day he got deported, he said, please I been 18 years not in my country, please let me go to my country look nice. I said take it. Always I wear the prison stuff.

I went to the zoo in my country and I see lion. Lion look like a cat because they didn’t feed him properly. And I see him, and I said ah man, if you open the key for him and let him go live in the jungle, he king of the jungle, he will be fat and big in two weeks. I hate lock up anyone.

prolonged, particularly where there is no practical and imminent possibility of removal”.<sup>57</sup> In a report that took care not to criticise individual states, the UK’s practice of indefinite detention was nevertheless singled out as one extreme.

*June 2008: LDSG met with the PACE Rapporteur Ana Catarina Mendonca during her visit to the UK. The report refers frequently to LDSG’s Detained Lives research.<sup>58</sup>*

57 Committee on Migration, Refugees and Population, Parliamentary Assembly of the Council of Europe, *The detention of asylum seekers and irregular migrants in Europe*, 11 January 2010, para. 5, <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc10/EDOC12105.htm>.

58 Ibid., see footnotes 33, 54, 138, 139, 140.

The Committee reserved particular criticism for the treatment of foreign ex-offenders. Their detention is “inherently discriminatory, given that where states’ own nationals are no longer a serving prisoner and no longer pose a risk, they are released.”<sup>59</sup> The report strongly emphasized the need for alternatives to detention to be used to a far greater extent in order to comply with international law, with detention only used “if less intrusive measures have been tried and found insufficient.”<sup>60</sup> Alternatives must be incorporated into a legal framework in national law, to ensure that they are always considered before detention is used.

*June 2010: LDSG Director spoke at the launch in Brussels of Jesuit Refugee Service’s Europe-wide research on vulnerability in detention.*

These criticisms have emphasised the UK’s isolation in routinely detaining migrants for years. The UKBA’s sensitivity to international monitoring was demonstrated by its refusal, almost alone amongst EU states, to permit the Jesuit Refugee Service access to detention centres for its European Commission-funded research into vulnerability in detention.<sup>61</sup> It is clear from this research, based on interviews with 685 detainees in 23 countries, that nowhere else in Europe are detainees held for years on anything like the scale of the UK.

### **Rashid Ali from Morocco, detained four years**

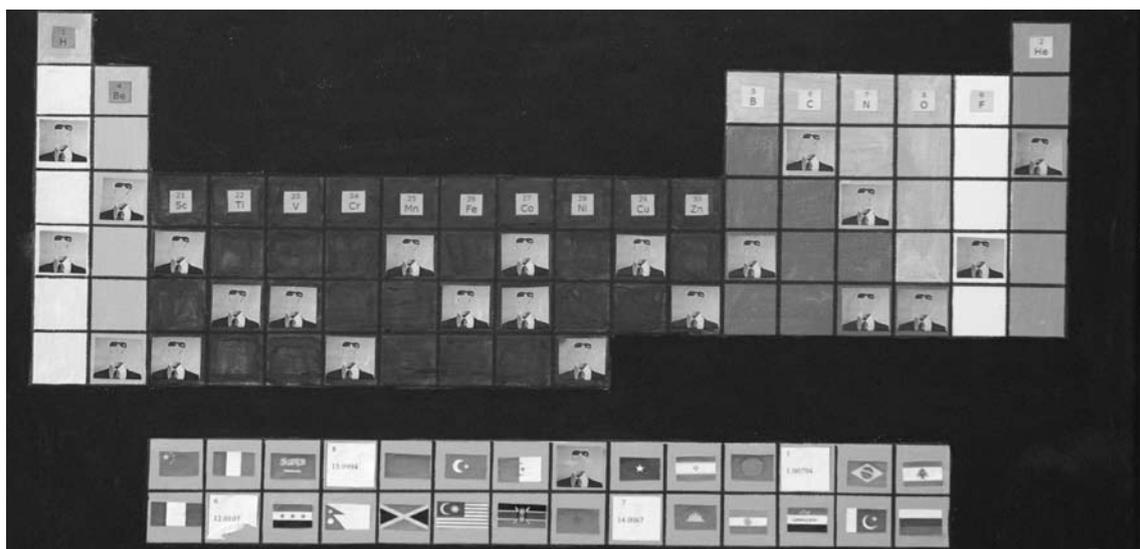
I’ve been four years locked up. I feel I’m born in this world. You know I forget there are other people there. I forget they have a society outside.

I cooperated with them, I still be in detention. So I feel myself I have been forced in this country because more than six times I’ve come to flee the country and they [keep] bringing me back here and they still force me in detention, they taking my freedom away. Always they say same things. They have no progress about my travel documents, they can’t make my travel documents, the Moroccan Embassy.

So I lost four years of my life you know what I mean? I come in detention about five years ago when I was twenty six years old, now I’m thirty one years old and I still locked up, you know? I have no future my friend. I think if I back to my country, I hope I got a good future . I hope I get married, I get kids, I may have a good life, a good future, but to me I tell you I don’t have a future now. Even I get released from this place I still have no future. I can’t support myself, I can’t work.

It’s too slow. You end up in this place and you stuck, you know what I mean. The UK Border Agency here don’t even talk us about our problems. Because a lot of people they want to go, like I want to go. They don’t dealing with us, they ignore us.

Please stop, stop wasting tax payers’ money and people’s life.



Ruhul Anam ‘Turning the Table of Injustice’

<sup>59</sup> Ibid., para. 23.

<sup>60</sup> Ibid., para. 8.

<sup>61</sup> Jesuit Refugee Service, *Becoming Vulnerable in Detention*, June 2010, <http://www.detention-in-europe.org/>.

# “WE THE DETAINEES ARE ALSO HUMANS”

## Campaigning against indefinite detention

**The last two years have seen widespread media coverage and civil society criticism of immigration detention. High profile and effective campaigning against the detention of children has generated a growing perception of a crisis in detention policy, leading the coalition government to initiate a review on how to end the detention of families. If the government makes good its pledge to end the detention of children, it will be the most significant step away from reliance on detention for decades.**

Indefinite detention, largely affecting ex-offenders, has not received the same level of media or public attention. Foreign ex-offenders are an unpopular group, and there has been reluctance to see their civil liberties as worth protecting, regardless of how extreme might be their treatment. But indefinite detention is increasingly seen as a symptom of a fundamentally dysfunctional detention system and an example of the injustices of the UK's treatment of unwanted migrants. While the political debate on immigration has increasingly focused on the economic advantages and disadvantages to the country, it has become vital to challenge the terms of the debate, to question what happens to “bad migrants,”<sup>62</sup> those who are not given asylum or a visa, yet cannot go home.

Given the unpopularity of foreign ex-offenders, it was difficult to predict what response the *Detained Lives* campaign would receive. Yet from the start, it was clear that the campaign resonated with many people and organisations supporting detainees. Almost 300 people attended the launch event in January 2009, far outstripping expectations.

62 See Connor Johnston's lucid analysis of the failure of international and domestic law to defend the rights of unpopular migrants, *Indefinite Immigration Detention: Can it be Justified?*, *Journal of Immigration, Asylum and Nationality Law*, December 2009, <http://www.ldsg.org.uk/files/uploads/ianindefinitedetention1209.pdf>.

*LDSG secured media coverage on indefinite detention in the Guardian, the New Statesman and the Independent on Sunday.*

The first mainstream media coverage of indefinite detention in Britain was the result of the publication of LDSG's research. The Guardian on 28 January 2009 described detainees “dumped and forgotten” in detention centres because political sensitivities meant that they could not be deported or released.<sup>63</sup> The story featured an interview with Ahmed Abu Bakar Hassan, the Darfuri political activist interviewed for LDSG's research, who would be released three months later after two and a half years in detention. Ahmed said:

**“You can't stand a single day. Every day is the same, I don't know how we are surviving.”<sup>64</sup>**

The New Statesman described LDSG's findings as “astounding”, and contrasted the ongoing practice of indefinite detention in the UK with President Obama's declared intention to close Guantanamo Bay.<sup>65</sup> The Independent on Sunday subsequently reported, in an article quoting LDSG, that “hundreds of migrants are being held in “prison in all but name” for years without any idea of when they will be released.”<sup>66</sup>

63 Jo Adetunji, *The Guardian*, *Asylum Seekers “dumped and forgotten” in detention centres*, 28 January 2009, <http://www.guardian.co.uk/uk/2009/jan/28/asylum-seekers-detention>.

64 *Ibid.*, <http://www.guardian.co.uk/uk/2009/jan/28/foreign-detainee-case-study>.

65 Liana Wood, *New Statesman*, *The State they're in*, 5 March 2009, <http://www.newstatesman.com/uk-politics/2009/03/immigration-detained-report>.

66 Emily Dugan and Jane Merrick, *Independent on Sunday*, *Locked up indefinitely*, 14 February 2010, <http://www.independent.co.uk/news/uk/crime/locked-up-indefinitely-the-prisoners-who-have-committed-no-crime-1899049.html>.

*LDSG has worked with detainees to author articles for openDemocracy, Red Pepper and Migrant Voice.*

The most resonant voices raised against indefinite detention have come from inside detention. Detainees have spoken out against the injustice of the practice, often using their real names and stories to draw attention to the wider issue. As well as working with detainees towards their release by referring them to solicitors and assisting them to apply for accommodation and support outside detention, LDSG has enabled people in detention to campaign against their treatment. Through recorded telephone interviews with LDSG, detainees have expressed their perspectives on the detention system and taken a public stand. Quotes from these interviews are included throughout this report.

In an article on openDemocracy by LDSG's Director, Mohammed described the pain and absurdity of his two years in detention, during which time he had never seen anyone removed to Somalia.<sup>67</sup> Mohammed also contributed his own article for Migrant Voice newspaper.<sup>68</sup> In another article by LDSG for Red Pepper, James Christian spoke of his 39 months in detention, after serving a prison sentence of six weeks.<sup>69</sup> LDSG has worked with five detainees to publicise their stories and campaign for their release, asking supporters to write to their MPs. Three have been released, but two remain in detention.<sup>70</sup>

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***"Slow decision-making and rising backlogs are bad news for taxpayers and genuine refugees alike."***

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David Burrowes MP<sup>71</sup>

Release has not silenced the people who have lost years of their lives to indefinite detention. Former detainees have spoken at LDSG's Detained Lives campaign roadshows around the UK. Roadshows have been held in partnership with local detention and asylum organisations, universities and faith groups, in Glasgow,

67 Quoted in Jerome Phelps, *No Release: Lives in limbo*, openDemocracy, 10 May 2010, <http://www.opendemocracy.net/5050/jerome-phelps/no-release-lives-in-limbo>.

68 Migrant Voice, June 2010. See Mohammed's testimony on p23.

69 Jerome Phelps, Red Pepper, *Trapped Waiting*, 16 April 2010, <http://www.redpepper.org.uk/Trapped-waiting>. See James' testimony on p25.

70 See [www.detainedlives.org.uk](http://www.detainedlives.org.uk) for details of the campaigns to free Anthony Sunitharesh and Arben Draga.

71 Letter to *Detained Lives* supporter, 17 March 2009.

Brighton, Oxford, London and Sheffield. These roadshows involved close collaboration with partner organisations, including drafting press releases and invitations for local MPs, organising the venue, and sharing the platform at the event. New working relationships have been established with organisations around the country that share LDSG's commitment to challenging detention.

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***The barrister [at my bail hearing] said, why you have to detain people who you can't deport and who are no danger to anyone? If you can show that you can deport him within three months, fair enough you can deport him. But hundreds of people like me who you can't deport, what's the point in holding them? And they mess up all their lives. I'm not the same person no more. You're not like you used to be, happy and jolly, they mess you up completely. I get panics, I don't want to come out of my house, I want to stay indoors. I've been not in a good state. Imagine if that barrister didn't come, I'd still be rotting in there. I want to make sure that what happened to me don't happen to other people.***

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Imran Uddin, detained October 2008 - July 2010

Reza, the artist whose work had provided the visual images of the *Detained Lives* report and campaign, told a meeting in Brighton during the volcanic disruption to air travel that detention was like being stranded at the airport, not for hours or days but for years. LDSG has established the Detained Lives Forum for former detainees to share experiences, prepare for public speaking and contribute to the direction of the campaign.

**Mohammed from Somalia, detained two years and six months.**

No-one has really spoken to me or got to know me as a person, it's only paperwork. My case-worker don't know me. She may have pictures of me, and my name and date of birth, but she don't know me as a person. They sit in judgment from these things. I've put in seven or eight applications to see them, they are just here in reception, in the building, and I cannot see them.

It is just a complete waste of time, most of the people here say it's just killing time. That is what we are doing and time is not supposed to be killed. Time is all we have in life. Because if time finishes, you die, that's it, you're dead. So you know, these two years will never come back to my life.

I know I've fallen short of the government's expectation of me. And I'm sorry for that. But at the end of the day, I'm a human being, for the mistakes I've made, all I'm asking is one chance. I cannot be deported back to my country, I've stayed this long in detention. Two years of my life have been taken, if this is to show me or to teach me a lesson, it has to be enough. I want to be free once more. All I want is to live life and have a family and do the things that the other people do. I pray to God that this will come to finish and I will have my freedom one day, and walk on the streets as a free man.

**Some of us detainees have been detained for over three years with no prospect of removal or any evidence of future release. There is no justification whatsoever for detaining us for such period of time. Our lives incidentally have been stalled without any hope of living a life, having a family or any future. More often than not, we are being detained even when our family (wife and children) are resident in the United Kingdom, depriving us of having a life with our family. We the detainees are also humans.**

Statement by detainees refusing food in Campsfield IRC, 2 August 2010

LDSG worked with the social justice media group Ctrl+Alt+Shift to produce a short animated film on indefinite detention, starring several detainees involved with the campaign. The film, *1000 Voices*, combined recorded quotes from detainees with innovative animations, to convey the distorted world of detention. The film has won three international awards, including the

Silver Dragon for Best Animated Short at the Krakow Film Festival 2010. It has also been screened at 14 other international festivals and continues to highlight the devastating impact of indefinite detention to audiences around the world.

**I am very fortunate and happy to not be in that place, because I know there are people who are still there, although the UKBA know there is no prospect of removing them. I applied to the UK to grant me asylum. It's been 16 months, they never said yes or no. I am happy to not be inside, but after being three years in detention and now after two years being monitored by electronic [tagging] device, five years of my life, I would like to go and study. I am so happy to work and pay taxes.**

Shirazi, detained July 2006 - June 2009

Detention organisations have increasingly worked together to challenge indefinite detention. In response to the UKBA's failure for several years to publish statistics on how long people were detained, five organisations collaborated to gather statistics on their service users over six months. The resulting joint report revealed that organisations were supporting 50 detainees who had been held for more than two years. This figure had more than doubled from 21 in only six months.<sup>72</sup>

Indefinite detention and the Detained Lives campaign continue to spark new collaboration and campaigning. In July 2010, twenty-five organisations from across civil society signed a joint letter to the Home Secretary and Immigration Minister calling for detention reform. The letter identifies prolonged detention as a key aspect of the current crisis in detention. The letter was coordinated by LDSG, Gatwick Detainees Welfare Group and the Association of Visitors to Immigration Detainees, and developed out of LDSG's plea for supporters to write to the new government to call for detention reform. The letter continues to attract new signatories as a joint statement on the website of the Detention Forum, a new network for organisations working together to challenge the legitimacy of detention.<sup>73</sup>

<sup>72</sup> LDSG, Gatwick Detainees Welfare Group, Dover Detainee Visitor Group, Haslar Visitors Group and Liverpool Prisons Visiting Group, *Indefinite detention in the UK, June 2009*, <http://www.detainedlives.org/wp-content/uploads/lsgreport-0609.pdf>.

<sup>73</sup> See <http://detentionforum.wordpress.com/>.

# CONCLUSION

## Is there an alternative?

**The practice of detaining migrants indefinitely is a failure. Even from the narrow point of view of immigration control, it demonstrates the difficulty of moving human beings across national borders at will. A government that has detained 28 migrants for more than three years can hardly be faulted for toughness; but when three years is still not enough to deport them, the basic rationale has to be questioned.**

And questioned it has been, from a wide range of standpoints. The common root of all of these criticisms has been a simple question: if the aim of immigration detention is to deport people, why detain people who can't be deported? This question has resonated unanswered throughout this report, from detainees who cannot understand why so many years of their lives are slipping away, from international bodies monitoring the UK's human rights obligations, from the courts considering the limits of government power. If two thirds of detainees who haven't been deported after a year aren't going to be deported, why are they detained?

The successes of legal challenges have not been matched by concerted political pressure on the government. The unpopularity of foreign ex-offenders has allowed policy-makers to shrug off defeats in the courts and continue regardless. It seems that indefinite detention could only be ended through legal challenges if lawyers can be found to take every case to the High Court, which given the shrinking pot of legal aid will be impossible. In any case, as detainees are released by the High Court, more undeportable migrants continue to be detained. Indefinite detention will only end if legal pressure is matched by concerted political pressure that forces politicians and policy-makers to confront the expense, inefficiency and harm done by the practice.

Nevertheless, important steps have been taken towards an asylum system based on dialogue that recognises that migrants are human beings. A UKBA pilot project in Solihull has trialled giving asylum seekers early access to intensive legal advice, involving regular communication between them, their solicitors and UKBA, with

impressive results.<sup>74</sup> A new pilot in Liverpool enables asylum seekers to receive advice and support throughout the process from an independent voluntary sector key worker, so that they can understand and engage with the asylum system. And the government has pledged to end the detention of children. But there is not yet the political will to engage with the intractable difficulties of the most unpopular migrants.

Australia and Sweden have adopted highly successful alternatives to detention models for all migrants, allowing them to close most of their detention centres. A common feature of these models is the presence of a case manager, separate from the decision-maker, who is a constant point of contact to guide the migrant through the immigration or asylum processes, while they live in the community. The case manager ensures that the migrant understands these processes, has access to appropriate legal advice and can meet their welfare needs. By reducing the stress placed on migrants in this way, it is possible to initiate a dialogue with migrants to encourage them to consider all immigration outcomes as they pass through the process. Access to information and support on voluntary return is a part of this. Migrants whose immediate needs are met are more able to engage with difficult choices regarding the limited options available to them. Only 6% of migrants on community-based case management programmes absconded. 67% of those refused a visa agreed to return voluntarily. Case management costs the Australian government less than a third as much as detention.<sup>75</sup>

However, such changes require a major shift in culture, away from the assumption that immigration control can be maintained through coercion alone. Even the proven successes of case management have so far persuaded few

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74 See Jane Aspden, *Evaluation of the Solihull Project*, October 2008, <http://www.parliament.uk/deposits/depositedpapers/2009/DEP2009-1107.pdf>

75 International Detention Coalition, *The Australian Experience: Alternatives to Immigration Detention*, <http://idcoalition.org/wp-content/uploads/2010/02/a2daustraliabrief1feb2010.pdf> The International Detention Coalition is gathering examples from around the world of government good practice in alternatives to detention. LDSG is involved in this work as Western Europe contact, visiting projects in Belgium and Scotland.

governments to make this leap. Yet ultimately there may be little choice: indefinite detention can only be maintained if ever more detention spaces are created, to warehouse ever more unwanted migrants. The UKBA's ambition to expand the detention estate to 4,000 places<sup>76</sup> is in ruins following the cancellation of three proposed new detention centres: at Bedford and Bullingdon, where planning permission had been obtained, and the conversion of HMP Morton Hall, agreed with the Prison Service. The opening of four new high-security wings at Harmondsworth in July 2010 provides extra capacity, but this will be balanced out by the closure of Oakington in November 2010. In this context, it is hard to see how the warehousing of undeportable migrants can continue. The government's review of the asylum system, the Asylum Improvement Project, which aims to speed up the conclusion of asylum cases and save public money, must address the wasteful and ineffective use of detention space for people who cannot be deported.

As compelling as the fiscal arguments are, it is equally vital to articulate the civil liberties arguments against unnecessary detention. The new coalition government presents opportunities to call for reform. The government has emphasized that civil liberties and cutting waste in public spending will be key priorities. It has taken the brave political step of pledging to end the detention of children. To date it has stopped short of addressing the systemic flaws of the detention system, of which indefinite detention is perhaps the most extreme. But the importance of a government acknowledging that detention is not an all-purpose panacea to the challenges of immigration control should not be underestimated. This can be the start of a new approach to immigration control, one based on dialogue rather than force. One where detention really is used as a last resort for the shortest possible time.

Meanwhile, at Heathrow, at Gatwick, across the UK, the detained people wait. From the windows of their cells, they watch the planes come and go. The months and years pass. They grow older. They lose their peace of mind. And they wait: for change, for their release, for an end to indefinite detention.

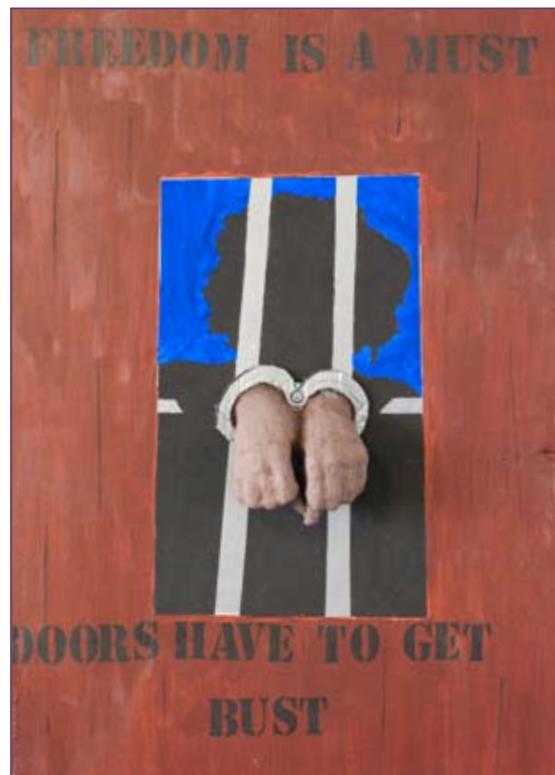
### **James Christian from Sierra Leone, detained three years and seven months**

"I was given a 3 month sentence, I did six weeks. And my first time in prison. I don't know what kind of law is that in this country, where you can detain someone, and he's a minor offender, driving while disqualified. Why should I come here and spend three years of my life in detention?"

"My country was colonized by Britain. We had British teach us. I thought it was a decent place. If five years ago you had told me that, oh, you are going to be detained for three years here, I would say no, this is the best country I've ever been to in my life. Even I had thought that England was a just country, equal rights and opportunity, no discrimination, but I don't see justice in England.

Why should we be treated like this like we are nothing, and we are all the same, the only thing different is the colour of the skin, if you cut my hand you will see blood, if I cut your hand you will see blood.

"You see people here in detention, they are losing it, they are taking medication, just the fact that they are not free, they cannot get better, it's sad. When they were outside they were normal! When they were in prison, they were normal! Because they know they had a date for their release! You are here indefinitely, without no date for release. Ask the people to fight for us, because we need them. We need the people to know that this is very unjust."



Amour Shebani 'Where to Now?'

76 National Audit Office, op cit, p8.



***Dino Maphosa from Zimbabwe, detained two years and eight months***

I have been detained since in 2007. They are not sending any one to Zimbabwe. A situation like that and still they hang on to me like I am some serious criminal.

A lifer is better than a detainee because you know your date. In prison I knew I had a release date. The release date came and the door was locked. I pressed the bell and I said I am supposed to be release today.

Fair play to say that immigration has a duty to remove people who cannot stay here. But okay if you can do that, why not do it. If you are to slaughter a lamb what is the best way to do it? To shoot it in the head or use a knife? If it's a knife, please make sure that you have sharpened it. Don't use a blunt knife. That is what the Home Office is doing. They are using a knife that's blunt to cut our throats.

I have got family in Birmingham, my parents, aunties and my own child. I feel sorry for him because he has not got a male role model. He knows I am not there, I can't be there. I don't know his games, I don't know his tricks which is hard. This situation hurts me a lot.

If someone was to ask what was the best thing that happened to you in your life. I would say the best thing that has ever happened to me, its... there is nothing. Because its all wiped out. My first three months in detention were very emotional but now my heart is empty, there is nothing now I am blank. The day the sun is going to rise again is the day that I am going to walk out of detention.

The day I got detained I dreamt that I had been caught up in fishing nets. The following day I was supposed to be released when they told me no you will be held under immigration powers.

I am buried together with my dreams. Right now I feel like a dormant volcano. I mean I am doing plans, I am planning. But it's the action that matters.

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# RECOMMENDATIONS:

1. **The UK should end its derogation from the EU Returns Directive and adopt a maximum time limit for detention.** The evidence shows that extended detention more often leads to release than deportation. The UK should follow best practice in the EU and implement a time limit of one month.
2. **Likelihood of imminent deportation should have priority in decisions by UKBA and the Tribunal to initiate and continue detention.** Detention, if it must be used, should only be used for deporting and removing people. Where this is not imminent, deportation can be pursued while the person is in the community.
3. **The detention of mentally ill people should end.** The distress and psychological deterioration caused to mentally disordered detainees is disproportionate to the ends sought by immigration control.
4. **Decision-making by UKBA and the bail courts should be evidence-based.** Assessments of risk to the public should be undertaken by the National Offender Management Service, and should form the basis of risk assessments in considering detention or community-based alternatives. UKBA should only assert a high risk of absconding in an individual case where a clear evidential basis exists. UKBA should publish its internal management information on procedures and timescales for obtaining travel documents from all national embassies. This information should be considered by the Tribunal in assessing whether deportation is imminent.
5. **Where deportation is not imminent, community-based alternatives to detention should always be used.** UKBA should study the successes of the Swedish and Australian models, which have achieved high rates of voluntary return through an emphasis on dialogue with asylum-seekers and migrants in the community.



*Mohamad Hosein Shojai 'The Nowhere Road'*

# CALENDAR OF EVENTS

25 April 2006 5 May 2006	Media controversy over release of 1,023 foreign ex-offenders without consideration of whether they should be deported. Home Secretary Charles Clarke is dismissed following a reshuffle
January 2007 November 2007	James Christian finishes his sentence for a driving offence and is detained Arben Draga is detained
February 2008 September 2008 December 2008 December 2008	Mohammed is detained Anthony Suntharesh is detained The High Court rules that the Home Office's secret policy of presumption of detention is unlawful Karim Benhamou is deported after a total of eight years in detention
26 January 2009 27 January 2009 11 February 2009 February 2009 February 2009 March 2009 April 2009 May 2009 May 2009 June 2009 June 2009 July 2009 July 2009 August 2009 August 2009 September 2009 September 2009 September 2009 November 2009  November 2009	Coverage in the Guardian of LDSG's research on indefinite detention and the story of Ahmed Abu Bakar Hassan Publication of LDSG's Detained Lives research Debate on indefinite detention in the House of Lords, during second reading of Borders, Citizenship and Immigration Bill Working Group on Arbitrary Detention condemns a case of indefinite detention as arbitrary Reza released after 16 months UKBA begin to publish official statistics on how long migrants are being detained in removal centres Ahmed Abu Bakar Hassan released after 27 months Premiere of "1000 Voices" animated film about indefinite detention High Court rules that detention of 30 months for deportation to Somalia is unlawful in the case of Abdi High Court rules that detention of 36 months for deportation to Somalia is unlawful in the case of Daq Shirazi released after two years and eleven months High Court rules that detention of 22 months for deportation to Somalia is unlawful in the case of MM Daniel released on bail after 26 months, following LDSG campaign Five organisations publish report on the length of detention across the UK LDSG writes to UKBA calling on it to reconsider its policy on detaining Somalis, after series of High Court rulings LDSG annual general meeting considers whether indefinite detention can be ended through the courts Zyad Al-Saadon, an Iraqi who had lived in the UK for 35 years, is released, after 25 months in detention Anthony Suntharesh wins his appeal against deportation, but the UKBA appeal and his detention continues Draft Immigration Bill threatens to further restrict detainees' rights, including allowing the UKBA to overrule the courts by vetoing grants of bail Detained Lives campaign roadshow in Sheffield
January 2010 February 2010 February 2010 March 2010 March 2010 April 2010 April 2010 April 2010 April 2010 May 2010 May 2010 June 2010 June 2010 June 2010  July 2010 August 2010 August 2010 August 2010 September 2010	Parliamentary Assembly of the Council of Europe report criticises British detention practices Independent on Sunday article on indefinite detention Campaign roadshow in Oxford HM Inspectorate of Prisons criticises indefinite detention at Campsfield IRC Campaign supporters write to their MPs to call for the release of Anthony Suntharesh and Arben Draga The Liberal Democrats pledge in their manifesto to end the detention of people who cannot be deported Campaign roadshow in Brighton Red Pepper and Migrant Voice articles on indefinite detention featuring Mohammed New coalition government pledges to end the detention of children openDemocracy article on indefinite detention featuring James Christian 25 organisations sign joint letter to Ministers calling for detention reform Proposed new detention centres at Bullingdon and Bedford cancelled LDSG Director speaks at the launch in Brussels of Jesuit Refugee Service report "Becoming Vulnerable in Detention" Imran Uddin released after 20 months Conversion of HMP Morton Hall to a detention centre cancelled Closure of Oakington IRC announced Glasgow roadshow Detained Lives fringe meeting at Liberal Democrats conference





Ruhul Anam 'Good is Good'



[www.detainedlives.org](http://www.detainedlives.org)

L O N D O N  
DETAINÉE  
S U P P O R T  
G R O U P

IN MEMORY OF

Lukman Ahmad  
Naase Elmi Ali  
Simbarashe Hokonya  
Solyman Rashed  
and Ester

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