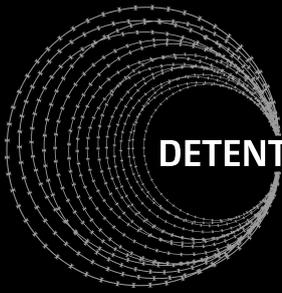


THE STATE OF DETENTION

Immigration detention in the UK in 2014



DETENTION ACTION



DETENTION ACTION

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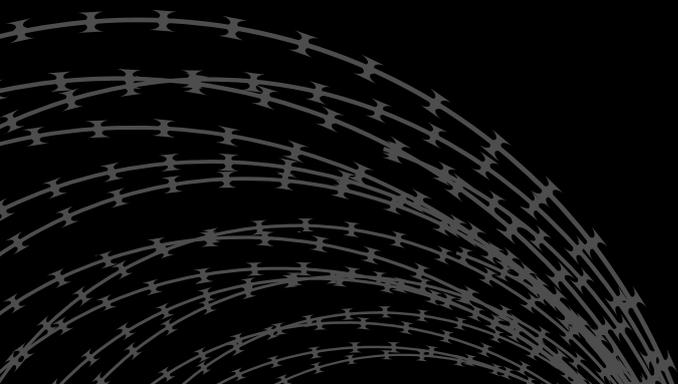
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October 2014

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Introduction

The detention crisis

Detention can be seen in many ways: through official statistics, legal judgments, monitoring reports, visits to detention centres, or through being detained yourself. This report brings together and reflects on many of these partial perspectives on detention, in order to understand the key problems of the detention system.

We believe that a picture emerges of the state of detention today. It is a picture of a system in crisis.

This is a crisis of over-extension. Detention has expanded too fast, with insufficient checks and scrutiny. Political priorities to detain and deport have overridden practical considerations of effectiveness, as well as basic concern for the people detained. In the words of the Chief Inspector of Prisons, following the death in handcuffs of an elderly man with dementia, “a sense of humanity has been lost.”

The UK detains more migrants than any European country except Greece. It is alone in detaining them indefinitely, without time limit, for periods of years. Many migrants in detention are unreturnable and ultimately are released – their detention serves no purpose, yet costs them years of their lives. In a time of austerity, the cost to the taxpayer is also unjustifiable.

The UK is alone in Europe in routinely detaining migrants in prisons, a practice that is unlawful in the rest of the EU. It is alone in detaining large numbers of asylum seekers, simply for administrative convenience in processing their cases. Detention Action’s legal challenge to the Detained Fast Track has led the High Court to declare that it was operating unlawfully.

Migrants in detention face return to some of the most dangerous places on the planet. The UK is at the forefront of attempts to return asylum-seekers to countries like Somalia and Sri Lanka, despite evidence of violence and persecution.

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***Reliance on
detention
looks like
inertia rather
than strategy***

Finally, the UK is generating a unique quantity of evidence of the harm done to migrants by detention. No-one can plead ignorance. The Home Office has been found six times to have caused inhuman or degrading treatment to mentally ill migrants in its care. Detention has been shown to cause as well as exacerbate mental illness. The safeguards that should protect vulnerable migrants simply do not work. People are leaving detention with their mental health in ruins. Most are released to rebuild their lives in the UK.

There are alternatives. Ever more evidence is emerging that the immigration control justifications for detention can be met by engaging with migrants in the community. Reliance on detention looks like inertia rather than strategy.

The very scale of this crisis is forcing detention up the political agenda. For the first time, the detention of adults is starting to become a political priority, in Parliament and in civil society. There is now abundant evidence that detention doesn't work. Can we find the political will for a change of course?

We hope that this report can be a guide to the evidence, as well as a tool for change. We are not objective, but we do understand detention. We have been working with people in Immigration Removal Centres, prisons and in the community after release, from Dorset to Heathrow to Middlesbrough. Some of us have been detained, losing months or years of our lives in the process. Some of us are still in detention; all of us know many people still there. For their sake, detention reform needs to begin now.

1

Indefinite detention

The warehousing of unwanted migrants

Indefinite detention

Around the country, out of sight in detention centres and prisons, migrants go to bed each night in their cells. They are locked up for months or years, yet unlike prisoners they do not know when they will be released – their detention is without time limit. Indefinite immigration detention has attracted only a fraction of the scrutiny of the pre-trial detention of terror suspects, yet nowhere else in our society are people locked up with so few safeguards. To such little purpose, too, since most migrants detained for long periods are eventually released back into the UK.

Migrants are held in Immigration Removal Centres, yet cannot be removed. Refused asylum or leave to remain in the UK, they are often refused travel documents by embassies that do not recognise their nationality. If the Home Office considers that they pose a risk of absconding or offending, they can be refused release month after month. Many end up spending years in detention.

Indefinite immigration detention is a uniquely British phenomenon, within Europe at least. The EU Returns Directive has limited detention to a maximum period of 18 months, but many countries have much shorter limits: in France it is 45 days. The UK however does not apply EU immigration law, and stands alone with no time limit on detention.

This stance continues to undermine the UK's international reputation for defending civil liberties. The UN Committee Against Torture was in May 2013 only the latest international body to condemn the practice, urging the UK to “introduce a limit for immigration detention and take all necessary steps to prevent cases of de facto indefinite detention.”¹

*Indefinite
immigration
detention
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¹ Committee against Torture, *Fifth periodic report of the United Kingdom*, (6-31 May 2013)

Unlimited power to detain?

The absence of a time limit does not mean that the Home Office has unlimited power to detain migrants. The power to detain is limited by the common law principles known as “Hardial Singh,” after the case in which they were established.² These principles require that migrants only be detained for a reasonable period, with due diligence, in order to remove them, and that they should not be detained if it becomes apparent that removal will not take place within a reasonable period. Since 2009 there has been a flood of cases in which the High Court has found that long-term detention has breached the Hardial Singh principles



Said Zakouri:
*Thinking My
Way Out*

and become unlawful.³ However, the threshold is high: the High Court has found that detention of years can be lawful,⁴ and it is usually impossible for any migrant to know in advance at what point their detention will become unlawful.

It is very difficult to know the exact scale of indefinite detention. In 2013, 904 migrants left detention after spending more than six months locked up; 237 more were still in detention at the end of the year,⁵ suggesting that 1,141 people went past six months in detention during the year. However, these statistics are misleading, as they arbitrarily exclude migrants whom the Home Office chooses to detain in prison, although their legal status is no different. Migrants in prison tend to be detained for the longest periods; 850 were detained there at the end of 2013.⁶

Is long-term detention an effective tool of immigration control, enabling the Home Office to remove migrants despite obstacles? If we set aside concerns about civil liberties, does detention

at least work in delivering Home Office objectives? Here the statistics give a much clearer picture. Only 36 per cent of migrants detained for over a year were removed or deported in 2013 – a full 62 per cent were released.⁷ Indeed, long-term detention is a key factor in the ever-less efficient use of detention spaces, as the proportion of migrants whose detention leads to return has declined year on year, from 64 per cent in 2010 to 56 per cent in the year ending June 2014.⁸

2 See Immigration Law Practitioners Association, *Information sheet: detention 2*, May 2011, www.ilpa.org.uk/data/resources/13347/11.06-Detention-2.pdf

3 See for example *R (on the application of Sino) v. Secretary of State for the Home Department* [2011] EWHC 2249 (Admin) (25 August 2011)

4 For example *R (on the application of Muqtaar) v. Secretary of State for the Home Department* [2013] 1 W.L.R. 649

5 Home Office, *Immigration Statistics January to March 2014*, table dt_11

6 James Brokenshire, Minister for Immigration, *Hansard HC Deb*, 13 May 2014, c461W

7 Statistics include 2 per cent “other.” Home Office, *Immigration Statistics January to March 2014*, table dt_06

8 Home Office, *Immigration Statistics, Summary Points: April to June 2014*, <https://www.gov.uk/government/publications/immigration-statistics-april-to-june-2014/immigration-statistics-april-to-june-2014#data-tables>

Detention of one person for a year costs the taxpayer over £37,000.⁹ If the person is released, that detention has achieved nothing. Across the detention estate, this waste of taxpayers' money has been independently costed at £76 million per year.¹⁰

The harm of indefinite detention is in no way proportionate to its role in immigration control. Its objectives are primarily political, not pragmatic: it is a response to the pressure of the tabloids, to the fear of being seen as soft, rather than the result of rational policy-making. It cannot ultimately be justified, and in the longer term surely cannot be sustained.

“The clock is ticking”

“ *I was in detention for three and half years. At first, I would look for signs it would end. I would get hopeful when I saw my solicitor or when other people were released. Or when they took me to the embassy. But slowly that hope faded into the walls around me.*

After one year, the waiting got too much. I had rejected the Home Office's offers to sign for voluntary return many, many times. But just waving goodbye to the days had become too hard. It was a tough decision, but I actually felt great relief after I did it – “at least I can have control of my own destiny again”, I said to myself.

I thought my hell in detention would end there and then. But I waited a week and heard nothing. Silence. Another week. They told me they were waiting on travel documents. Another week. Another week. Another week. Another week... Indefinite detention.

Lots of people around me collapsed mentally. They cut their wrists or hung themselves. They couldn't take the endless not-knowing. They couldn't take the sense of hopelessness that is the younger brother of indefinite detention – it's always following it around, the two come together.

I gave up thinking about life outside of Colnbrook. I told myself “Colnbrook is your home now – that is the only way to survive”. My cell became my bedroom. The canteen became my kitchen. When I look back now, it's crazy to think how normal it became to be locked up at night, every night.

Those three and half years in detention served no purpose.

For me, not having a time limit had a huge impact on my mental health. The stress and anxiety of indefinite detention is unimaginable. When I was released it was like coming out of a cave. I couldn't sleep and couldn't trust anybody. I still have to fight hard to not think back to that mental torture.

For the taxpayer, it's also a huge waste. I personally cost the taxpayer over £175,000. For what? That same money could have been spent on a caseworker, to work with me while my



Mustapha:
*Can't Hold On
Any More*

9 Mark Harper, Minister for Immigration, *Hansard* HC Deb, 31 October 2013, c538W

10 Matrix Evidence, *An economic analysis of alternatives to long-term detention*, January 2012

claim was assessed in the community. It could have been spent on the community.

For the government too, indefinite detention does not work. They tell me the policy is there to help stop re-offending and absconding. But after two, three, four years in detention, you are a mess when you come out. I remember the first time I had to go and report to sign at Beckett House after I had been released – I was so terrified of being returned to detention, I almost didn't go.

We need changes. We have to put detention on trial. The current system does not work – for anybody. I will never get those three and a half years back, but there are others in detention, who have also been there for years. And the clock is still ticking for them.

It is time for a time limit on detention.

– Souleymane

The detention of unreturnable migrants

The unreturnable migrant is not supposed to exist. States' immigration policies are premised on a clear distinction between migrants who are permitted to stay and those who must leave. Some states, including the UK, are beginning to recognise that stateless people need to be included in the group of those who can stay.¹¹ Yet the unreturnable person, refused but impossible to remove, remains stuck between the two categories, in a limbo of irregularity and detention.

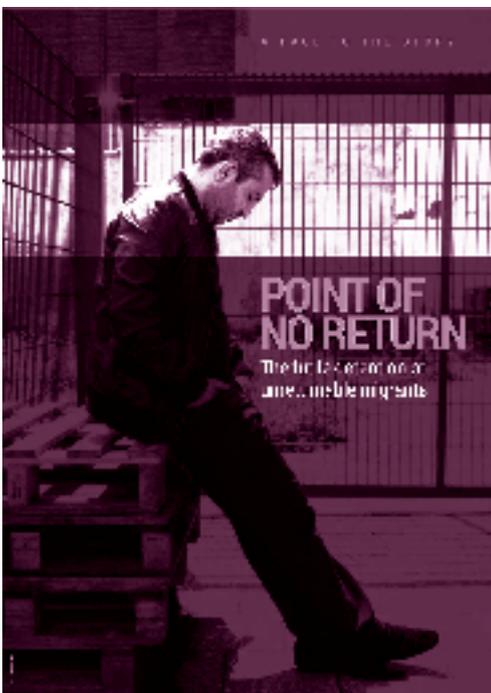
For domestic political reasons, states prefer to tell themselves that the unreturnable person does not exist. Anxious electorates want to rely on the authority of their governments' decisions: a refused migrant is a deported migrant. Tabloid newspapers call for unwanted

migrants to be simply put on a plane. States go along with the fiction, as though putting someone in detention already amounts to making them disappear.

If you visit any detention centre, you will quickly meet unreturnable migrants. They will usually be the people who have been there longest. They will show you monthly reports from the Home Office: updates on the progress of attempts to remove them. Sometimes they chart the third, fourth, fifth futile meeting with the embassy. Sometimes the chronology simply stops: nothing has happened for months.

In January 2014, Detention Action published the first research into the detention of unreturnable migrants, jointly with partner organisations in Belgium, France and Hungary.¹² The research found that unreturnability is a major issue across these countries. 39 unreturnable migrants gave testimony about their situation and the impact that it has had on them.

We found a range of causes of unreturnability, including statelessness, medical reasons and human rights law. The largest



¹¹ The UK introduced a statelessness determination procedure in April 2013. See Asylum Aid briefing note at http://www.asylumaid.org.uk/wp-content/uploads/2013/08/STATELESSNESS_BRIEF.pdf

¹² Flemish Refugee Action, Detention Action, ECRE, France Terre d'Asile and Menedek, *Point of No Return: the futile detention of unreturnable migrants*, 2014, <http://pointofnoreturn.eu/>

number of people cannot return because their country of origin refuses to grant them a travel document. Most asylum-seekers travel without a genuine passport; to be returned, they must prove their identity to their national embassy. Some embassies routinely refuse almost all undocumented migrants; in other cases, migrants whose parents and upbringing cross often arbitrary colonial borders find themselves refused nationality everywhere.

Unreturnable migrants are detained throughout Europe. Some states have better systems for responding to the problem, such as the German model of granting temporary “tolerated” status.¹³

But one country stood out in the research. Only the UK routinely detains migrants for years without time limit. Only in the UK would unreturnable people find themselves deprived pointlessly of their liberty, not just for months but for years.

The UK’s practice of indefinite detention takes “unreturnability denial” to its logical conclusion, and inadvertently demonstrates the need for an alternative approach. 62 per cent of migrants detained for over a year in the UK are released;¹⁴ in most cases, the courts recognise that there is no prospect of return.

For the moment, the Home Office refuses to recognise the failure of its experiment. The people who bear the brunt are the migrants themselves. Uncle told us of how he felt on turning 60, still in long-term detention. “My life is s**t here. They don’t want to give me papers, and I’m getting too old.”¹⁵

The largest number of people cannot return because their country of origin refuses to grant them a travel document

Indefinite detention in prison

Migrants in detention are not prisoners. They are not serving criminal sentences at the order of a court. They have no “debt to society” to pay – they are there for the administrative convenience of the Home Office, in theory for the shortest possible period.

As such, migrants in Immigration Removal Centres have many rights denied to prisoners: mobile phones, incoming telephone calls, internet, on-site legal surgeries. They are subject to the Detention Centre Rules rather than the Prison Rules, which among other things require procedures for doctors to report if their health may be damaged by detention. (We will consider elsewhere how effective these procedures are.)

Yet a substantial proportion of migrants are arbitrarily denied these relative privileges. Detained in prison, they cannot access the internet to research their case, email contacts or be called by their solicitor. Many do not even have an immigration solicitor, or any idea of how to get one. We have met people in prison who do not even know what an immigration solicitor is.

The detention of migrants in prisons is controversial. It is contrary to the EU Returns Directive, which requires that, as a rule, detention of migrants in return procedures should take place in specialised detention facilities, and only in exceptional circumstances in prisons.¹⁶ Germany was in July 2014 found by the European Court of Justice to be in breach of the Directive, since

¹³ *Ibid*, p80

¹⁴ Home Office, *Immigration Statistics January to March 2014*, table dt_06

¹⁵ <http://pointofnoreturn.eu/uncle/>

¹⁶ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

regions without dedicated detention centres were detaining migrants in prisons.¹⁷ However, the UK opts out of EU immigration law. As a result, the Home Office is able to rent several hundred prison beds from the National Offender Management Service (NOMS).

A routine practice?

Nevertheless, the Home Office maintains that prisons are not used “routinely” to detain migrants. Indeed, the UK claimed in its submission to the UN Treaty Bodies process that “the routine use of prison accommodation to hold immigration detainees ended in 2002.”¹⁸ “Prison accommodation is allegedly only used for “individual detainees,” particularly foreign ex-offenders, “for reasons of security and control in line with published criteria.”

However, the Home Office policy document in question presents a rather different picture. Chapter 55 of the Enforcement Instructions and Guidance does indeed contain criteria relating to security, criminality, harm and the like. However, it makes clear that migrants should be detained in prisons when they meet none of the criteria “if there are free spaces among the beds provided by NOMS.” Availability of a bed in prison trumps the individual migrant’s suitability for a detention centre.

So how far detention in prisons is “routine” depends on how many beds are rented from NOMS. 2013 saw a dramatic increase, following an agreement for the Home Office to increase its allocation from around 400 to 1000. The occasional statistics given in answers to Parliamentary Questions (the Home Office does not routinely count numbers of migrants detained in prisons) show a corresponding hike in numbers, from 557 in October 2012 to 979 in September 2013.¹⁹

In practice, it seems that for much of 2013 virtually no migrants were being transferred to detention centres on completing their sentences. We met almost no new arrivals from prisons in Harmondsworth and Colnbrook until late in the year.

All this changed in March 2014, with the conversion of HMP the Verne to hold detained

migrants. The Verne, a local prison of 580 beds on the Isle of Portland, Dorset, far from migrant communities and services, was due to become Europe’s third largest detention centre. It was to hold migrants hitherto detained in prisons – renting a whole prison from the Ministry of Justice apparently being cheaper than individual places.

The detained migrants duly began arriving in March 2014. However, if they were expecting to find themselves at least in a detention centre, they were

The Isle of Portland, seen from Weymouth.



17 Court of Justice of the European Union, Joined Cases C-473/13 and C-514/13 and in Case C-474/13 *Adala Bero v. Regierungspräsidium Kassel, Ettayebi Bouzalmate v. Kreisverwaltung Kleve* and *Thi Ly Pham v. Stadt Schweinfurt*, 17 July 2014

18 United Kingdom response to Human Rights committee, CCPR/C/GBR/7, 29 December 2012, 721

19 Ministerial responses to Parliamentary Questions. See <http://detentionforum.wordpress.com/at-the-parliament-2/parliamentary-questions-on-immigration-detention/>



HMP the Verne,
Portland.

to receive a rude shock. A week before opening, a decision had been taken to re-open the Verne as a prison.

HMP the Verne holds exclusively detained migrants, but under the Prison Rules: so no telephone calls or similar rights. 59 per cent of the migrants we have met in our workshops there have been unrepresented, although the Legal Aid Agency has now belatedly agreed to fund on-site legal advice.

The future status of the Verne remains uncertain. The Home Office plans to convert it to a detention centre in September 2014. Meanwhile numbers of migrants in prisons have been falling, even including the people in the Verne. But several hundred migrants continue to wait in prisons around the country, in a black hole ignored by official detention statistics, often out of the reach of lawyers. The routine imprisonment of migrants shows no signs of ending.

“A death warrant”



I think being detained in prison is the most terrible thing any migrant can experience in the UK.

I will never forget when I got my “death warrant” This is what we call the IS91 form which authorises your detention. Just when you’ve got your hopes up you’d be released from prison to see your friends and family ... just when you thought you were going move on with your life... Wham! You get the “death warrant”. This piece of paper means you are going to be detained by the Secretary of State. You are not going to be released. The “death warrant” is usually given to you by a prison officer, who doesn’t really know what the paper is or what it means for you. It is very unlikely you’ll get any kind of explanation from an immigration officer. As a foreign national, if you are lucky, there’ll be an interpreter around to explain what’s happening. But this is rare. The only thing you understand is the “death warrant” means you are not getting out on the day you were supposed to. Instead, they are going to try and deport you.

On top of this great emotional shock, you have to quickly readjust (and comply) with

the strict prison system you thought you were escaping. You have done absolutely nothing wrong, you have served your sentence, but you are a prisoner again. You are locked up – sometimes for 24 hours, only out for food and shower. Some days you are only allowed out for an hour a day. It doesn't matter whether you are there under a conviction or not. Everyone complies. The prison system says that people held there under immigration powers have the rights and privileges of a "remand prisoner". For me, this came with no benefits at all. Being held under immigration powers in prison means you can have visits without a visiting order, but my friends and family were so far away this had no impact.

Even worse, my "change in status" meant that all of the training I had previously had access to as a prisoner was now cut. This was a big deal for me. I realised very early on that education, and pen and paper, were powerful weapons. Just before getting my "death warrant" I had signed up to do higher education courses. I had even gone to the first session. When I came to the second class they would not let me in. I was devastated.

Barriers to your case

In an immigration detention centre, you have possession of a mobile phone, access to documentation, libraries, lawyers, fax machines, photocopiers. A lot of the time there are big problems with these things, but in prison you have none of these opportunities to further yourself or your case. Even if you request them, the odds are against you. Firstly, the prison staff do not have any training in immigration matters. If you want to apply for bail, for example, and you ask an officer on your wing, most will not really understand what it is. If you are lucky, they will call the Foreign National Liaison Officer (who will probably be

Abdal recording his story with Detention Action Campaigns and Communications Officer Ben du Preez.



on holiday). The Foreign National Liaison Officer then calls the library. The library finds an application and puts it in the internal post. It reaches the Foreign National Liaison Officer two days later. They put it in the internal post and send it back to the wing officer. He then brings it to the detainee.

Now, if that person does not understand English, they haven't got a chance. If you can't read or write, you are done for. To get someone to help you will take forever. It is best to forget it. It breaks my heart to say this, but it is the truth. And it is not a question of laziness – it is a question of hopelessness, exhaustion and the shame of having to always ask for help. (Asking for help also means the detainee might have to explain confidential information to prison officers and many will have serious problems with this.) Even if the form is filled out, you have to go through the same procedure again to get the document to court. The stress during this period is unbearable. Then if you actually get a hearing, you have to go through a whole other psychological and logistical marathon, and this will almost certainly end in you being refused bail. This whole process is just one part of a much wider system designed to break you mentally and physically.

The terrible thing is that it often works.

At the end of it all, you are left with a feeling of helplessness and a sense of anger – at yourself, with the prison officers, with the people around you. You feel trapped in an endless cycle of punishment. It is very tiring. It is very frustrating. It can be very difficult to find the strength to continue fighting for your rights. Many people do not even know they **have** rights as a detainee when they are being held in prison. They have no idea they should have access to a fair trial or legal assistance, or that these rights are abused. There is nothing else to do but to give up. I saw many people self-harm in there. I saw people hang themselves. I tried to commit suicide a number of times.

Even now, I feel great sadness for people suffering in this situation. All I can say is, there is light at the end of the tunnel. Anyone who finds themselves in this place, still alive, still going, they should be extremely proud of themselves. It takes great courage to get out of that kind of hell. But it is possible. Just look at me. I've been there. I've gone through it.

I won't forget the injustice done against me. I want to use that anger to fight for a change. Holding people who have served their sentence in prison is a cruel abuse of human rights. At a very minimum, the UK should be signed up to the EU Returns Directive. I wonder what's stopping them?

– Abdal

“If you can't read or write, you are done for”

Detention in statistics

Figure 1. The number of people entering detention in Immigration Removal Centres (IRCs) or Short-Term Holding Facilities (STHFs), excluding prisons²⁰

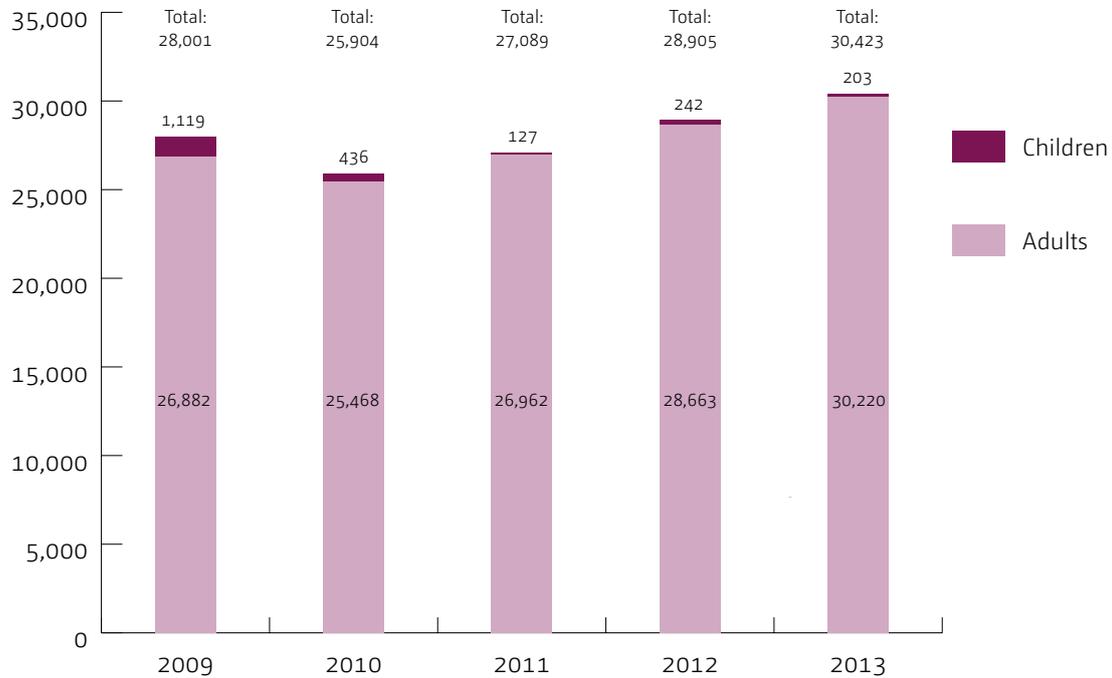
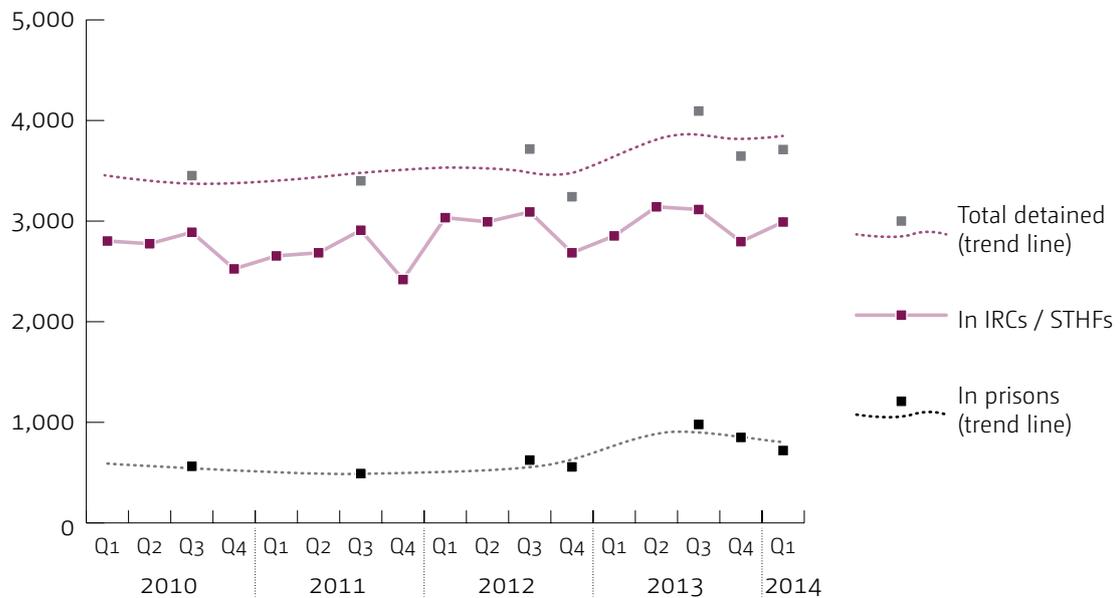


Figure 2. The number of people held in immigration detention in Immigration Removal Centres, Short-Term Holding Facilities and prisons, on a given day²¹



²⁰ Home Office, *Immigration Statistics, January – March 2014*, table dt_01

²¹ Home Office, *Immigration Statistics April – June 2014*, table dt_11; Responses to Parliamentary Questions. Figures for detention estate relate to the last day of the quarter; figures for prisons are usually for a different day within the quarter. Consequently, the total only gives a broad indication of the levels in the period, and does not correspond to any particular day.

Figure 3. Proportion of migrants leaving detention who were released into the UK, 2010-13 (%)

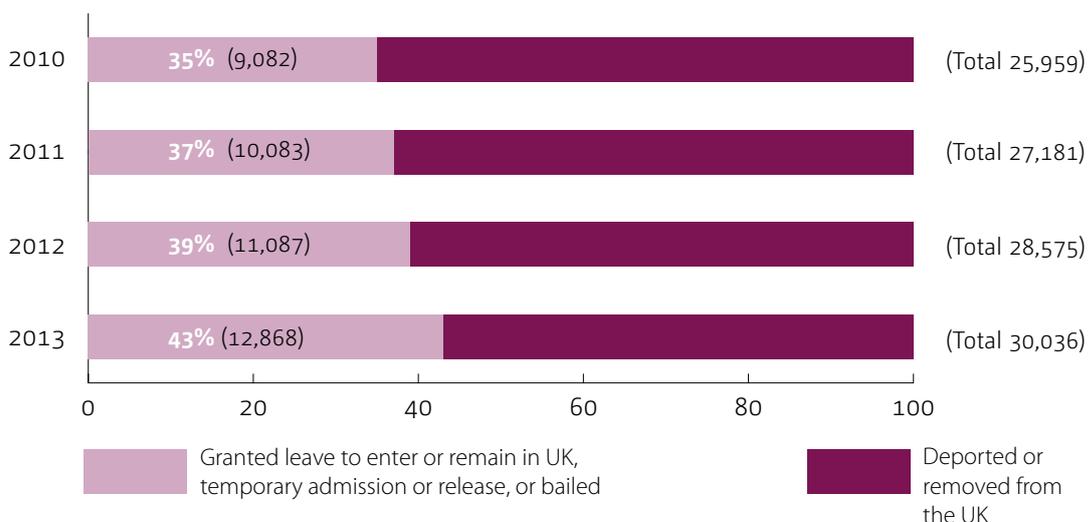


Figure 4. Proportion of migrants leaving detention in 2013 who were released into the UK, by length of detention (%)²²

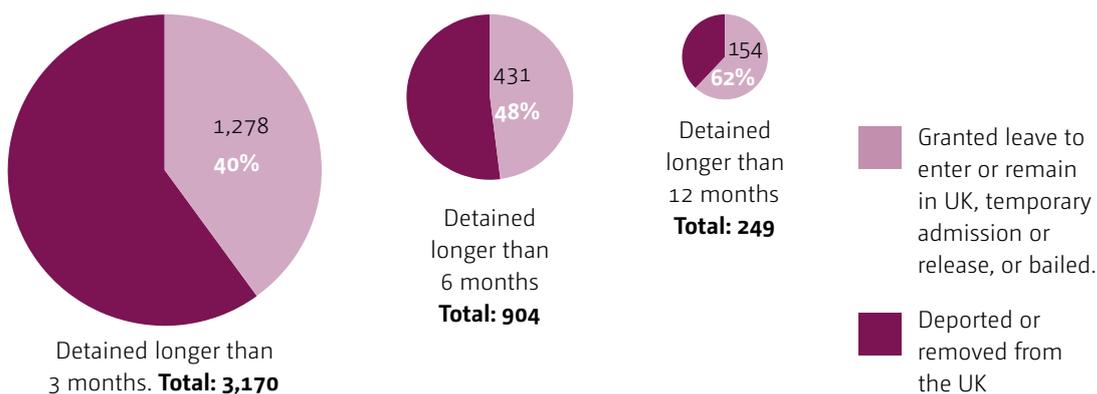


Table 1. Migrants in detention in an Immigration Removal Centre or Short-Term Holding Facility at 30 June 2014, by length of detention to date²³

Length of detention to date	Number
6 months to less than 12 months	175
12 months to less than 18 months	43
18 months to less than 24 months	18
24 months to less than 36 months	12
36 months to less than 48 months	2
48 months or more	1

²² Home Office, *Immigration Statistics, January – March 2014*, table dt_06

²³ Home Office, *Immigration Statistics April – June 2014*, table dt_11

2

Harmful detention

The damage to mental and physical health

MD and the harm of detention

On the evening of 7 April 2011, a young woman disembarked at London Heathrow Airport. Those were her first few steps on European soil – until recently she had never left Guinea. A few hundred metres away, waiting at Arrivals, was the husband she had not seen for three years. There was no reason to worry, all was in order: her passport carried the “Family Reunion” stamp from the British Embassy in Sierra Leone, which would allow her to rejoin her refugee husband.

She would later be described by a judge as “an inexperienced young woman of 24 who may have had a propensity for an emotional reaction to a situation she perceived as frightening... but who was otherwise in good mental health.”²⁴ But that evening at Heathrow immigration control, something went terribly, irreversibly, wrong. MD, as she would later be known, had never had formal schooling, and panicked when questioned, giving confused answers when asked for dates: her birth, age, marriage.

Eighteen hours later, her husband was still waiting at Arrivals.

Six months later, after half a year in Yarl’s Wood Immigration Removal Centre, MD had had six “episodes of acutely severe mental distress” involving self-harm. She was frequently in isolation or handcuffed to prevent her self-harming.

By the time she was allowed to leave Yarl’s Wood and finally start her new life in the UK with her husband, seventeen months later, she had been diagnosed with a major depressive disorder and lacked capacity to instruct a lawyer.

²⁴ *R (on the application of MD) v. Secretary of State for the Home Department*, [2014] EWHC 2249 (Admin), 8 July 2014

The crisis of mental health in detention

During those seventeen months in Yarl's Wood, MD will not have been alone in her distress and confusion. In this respect, her case is not unusual. The healthcare wings and isolation units of detention centres are full of severely mentally ill people in states of mental collapse. Detention Action is constantly working with people with the most extreme mental disorders, detained after months or years on a mental health section, or represented in court by the Official Solicitor because they are incapable of instructing a lawyer.

MD's case is no longer even particularly unusual in the severity of the judicial condemnation of her treatment. The High Court found in July 2014 that she had been detained unlawfully for almost eleven months, and that her mistreatment in detention reached the high threshold of inhuman and degrading treatment, breaching her rights under Article 3 of the European Convention on Human Rights. Until 2011, the British detention system had never been found to have caused inhuman or degrading treatment. MD's case is now the sixth in three years.²⁵

MD's lawyer Jed Pennington of Bhatt Murphy represented three of those six cases. "We believe that these are not isolated cases but are typical of the inhumanity and needless suffering caused by the United Kingdom's system of immigration detention, a system that ought to shame us all," he commented.

But what makes MD's case unique is that it is the first time that a judge, presented with irrefutable evidence from medical specialists, has found that detention caused the onset of a mental disorder sufficiently serious to lead to an Article 3 breach. For MD, detention did not exacerbate a pre-existing mental disorder – it caused the disintegration of her mental health.

The healthcare wings and isolation units of detention centres are full of severely mentally ill people in states of mental collapse

The policy of detaining vulnerable people

The question of whether detention causes mental disorders goes to the heart of the Home Office's approach to the question of vulnerability in detention. The Home Office policy starts from the principle of identifying certain vulnerable groups who should not be detained, other than in exceptional circumstances.²⁶ These include people with serious mental or physical health conditions, survivors of torture, elderly or disabled people, pregnant women, trafficking victims.

That evening at Heathrow, MD fell into none of these categories.

Research by the Jesuit Refugee Service – Europe (JRS) has concluded that a category-based approach to assessing vulnerability is fundamentally flawed, as detention can make anyone potentially vulnerable.²⁷ Being suddenly locked up, cut off from friends, family and a whole life, can have unpredictable and serious effects on anyone. According to JRS, vulnerability in detention is a complex and dynamic interaction of personal, social and environmental factors, and needs to be assessed individually and holistically.

25 http://www.bhattmurphy.co.uk/media/files/JCP_Haldane_article.pdf

26 Home Office, *Enforcement Instructions and Guidance*, Chapter 55.10

27 Jesuit Refugee Service – Europe, *Becoming vulnerable in detention: Civil society report on the Detention of Vulnerable Asylum-Seekers and Irregular Migrants in the European Union*, June 2010

When are you “satisfactorily managed”?

Nevertheless, from early in her detention it was clear that MD had become mentally ill. The High Court found that one of the aspects of the unlawfulness of her detention was the Home Office’s failure to understand and apply its own policy on the detention of seriously mentally ill people. What went wrong?

A clue perhaps lies in the wording of the policy. In 2010, the Home Office rephrased the policy on the detention of people with serious mental or physical health problems. Thenceforth, exceptional reasons for detention were only required where the person’s health condition “cannot be satisfactorily managed within detention.”²⁸ “Satisfactorily managed” is a term with no clinical meaning.

Nevertheless, in the case of an Indian lady called Pratima Das, the Home Office maintained in the High Court, initially successfully, that the point at which a person’s mental health was no longer being satisfactorily managed was the point at which they were sectioned on a secure mental unit.²⁹ Deterioration up to the point of sectioning would thus always be considered “satisfactory”. A Catch 22 of perpetual incarceration looms into view: you are only too sick to be immigration detained if you are mental health detained.

Medical specialists rushed to point out to the Court of Appeal that this was another medically meaningless threshold, since most mental health conditions are not managed through sectioning, regardless of severity. The Court of Appeal agreed, and threw out the Home Office’s argument. “Satisfactorily managed” does not then mean “not sectioned” – but it is no clearer what it does mean.

The dysfunctional Rule 35

However, there is another Home Office policy that takes a different approach to implementing a safeguard, not based on categories of vulnerability. Rule 35 of the Detention Centre Rules concerns anyone whose health is likely to be “injuriously affected” by detention, survivors of torture and anyone suspected of suicidal intentions.³⁰ Rule 35 requires that doctors in the detention centre healthcare units bring such people to the attention of the Home Office case owners responsible for deciding on their continued detention.

Much has been said about Rule 35 by many and varied bodies. The common conclusion has generally been that it simply does not work. The Independent Chief Inspector of Borders and Immigration and the HM Inspectorate of Prisons have criticized the poor quality of the reports and of the responses from Home Office case owners.³¹ A Home Office audit of the process found that only 9 per cent of Rule 35 reports led to release.³² The High Court has concluded that Rule 35 reports “are not the effective safeguard they are supposed to be.”³³

²⁸ Home Office, *Enforcement Instructions and Guidance*, Chapter 55.10

²⁹ *R (on the application of Pratima Das) v. Secretary of State for the Home Department* (with Mind and Medical Justice intervening) [2014] EWCA Civ 45

³⁰ Detention Centre Rules 2001, <http://www.legislation.gov.uk/ukxi/2001/238/contents/made#35>

³¹ HM Inspectorate of Prisons and the Independent Chief Inspector of Borders and Immigration, *The effectiveness and impact of immigration detention casework*, December 2012

³² Home Office, Detention Centre Rule 35 Audit, February 2011, <http://www.medicaljustice.org.uk/images/stories/reports/r35auditukba.pdf>

³³ *Detention Action v. Secretary of State for the Home Department* [2014] EWHC 2245 (Admin), 133.

According to Theresa Schleicher of Medical Justice, which has documented the way that Rule 35 fails torture survivors,³⁴ “the Home Office has known for years that this important safeguard is not being operated in an effective way, but has done little to address this, and has instead sought to limit who the safeguard applies to, at one point seeking to exclude those who have suffered trafficking or domestic violence.”

Rule 35 is supposed to enable a broader and more dynamic approach to protecting people in detention than a simple list of categories. But given the range of ways that detention harms people, how does it identify people “whose health is likely to be injuriously affected by continued detention or any conditions of detention”? In practice, most Rule 35 reports are prompted by the person declaring that they have been tortured. There is a lack of clarity over the degree of information required, with the result that the report is dismissed and detention maintained. However, even where Rule 35 reports are specific and detailed, they frequently receive only the most cursory response from the Home Office case owner.³⁵

A crisis of harm in detention

The concept of vulnerability itself is so vexed that it perhaps makes more sense to speak of a crisis of harm in detention. It seems clear that, more than ever before, detention in the UK is harming people. This harm is frequently severe, whether or not the person was categorisable as vulnerable before they were detained.

This crisis of harm is abundantly clear to anyone who spends time talking to people in detention. It can be glimpsed in the minority of extreme cases which reach the High Court, but it can also be glimpsed at other points where the light of publicity reaches into detention.

Perhaps most obviously, harm can be seen in the growing numbers of deaths in detention. Seven people have died in UK detention centres since 2011, compared to two in the preceding five years.³⁶ The hope that this could be a statistical anomaly is undermined by the circumstances of some of those deaths, described by the HM Inspectorate of Prisons as “shocking cases where a sense of humanity was lost.”³⁷ Alois Dvorzac, an 84-year-old Canadian with Alzheimers, died in chains in February 2013. “This person was extremely vulnerable, he



Ricardo:
*I See No
Way Out*

34 Medical Justice, *The Second Torture: The immigration detention of torture survivors*, 2012

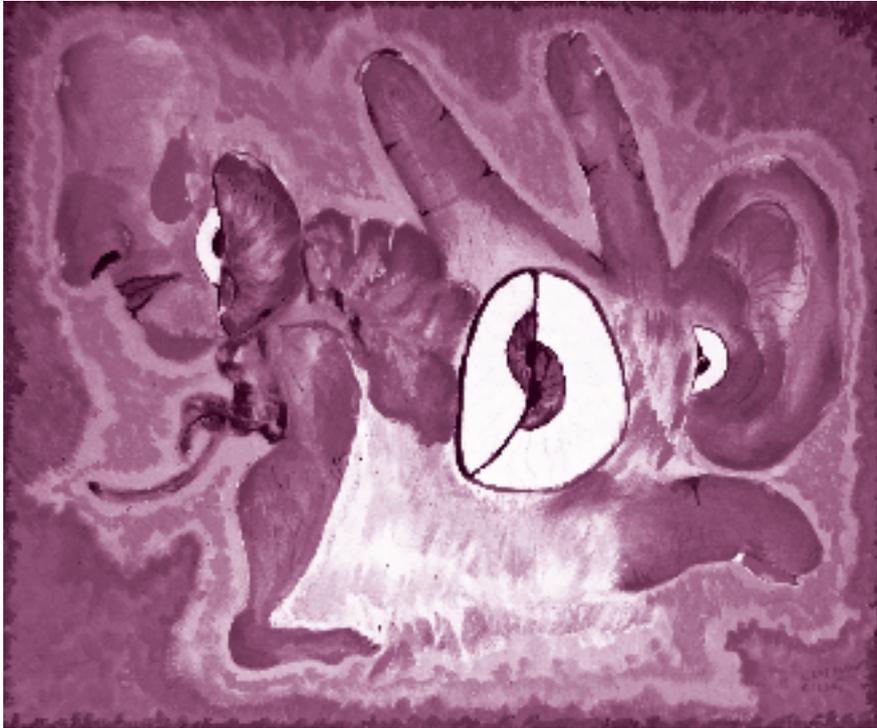
35 *Ibid*

36 Institute of Race Relations, <http://www.irr.org.uk/news/deaths-in-immigration-detention-1989-2014/>

37 HM Chief Inspector of Prisons, *Report on an unannounced inspection of Harmondsworth Immigration Removal Centre, 5-16 August 2013*, 2014

was frail, he should not have been there in the first place, let alone to be detained for such a long while,” the doctor treating him told Channel 4 News.³⁸ He was still in handcuffs when he died.

The harm of detention can be glimpsed in the growing numbers of people risking death by hunger strike. Isa Muazu refused food for around three months in late 2013, before he was eventually removed to Nigeria despite a medical report that he could not stand up. The



Dogan Ulas:
Confused

detention centre had opened an “end of life plan” when the Home Office refused to release him.³⁹

The harm that detention does to women is clear from research by Women for Refugee Women.⁴⁰ Over 85 per cent of detained women had been raped or tortured; more than half said that they had considered suicide. Women have alleged widespread sexual harassment in Yarl’s Wood, including officers requesting sexual contact in return for help with immigration cases.⁴¹ MD’s doctor considers that her ongoing dissociative symptom of being grabbed from behind is the result of traumatic physical restraint by male officers.⁴²

The limited safeguards are simply ineffective in preventing or mitigating this crisis of harm in detention. As a result of litigation, the Home Office is currently conducting an equality assessment of the policy on detaining mentally ill people. Substantial changes appear unlikely.

In a forthcoming report, the Detention Forum Vulnerable People Working Group recommends that “the Home Office should implement a vulnerability tool which enables a more thorough approach to screening before detention but is also adaptable to changes over time in detention.” At minimum, there is a need for an effective process of evaluation and screening for the risk of harm in detention, which dynamically assesses individuals and does not simply react to damage already caused.⁴³

MD and her husband are now free to get on with their lives in the UK. No-one can know how her traumatic experiences will cast a shadow on her life in the long-term. But no-one can deny the evidence that detention must be reformed before it ruins more lives.

38 <http://www.channel4.com/news/left-to-die-in-british-detention-who-was-alois-dvorzac>

39 <http://www.theguardian.com/uk-news/2013/nov/16/end-of-life-plan-hunger-striker>

40 Women for Refugee Women, *Detained: Women asylum-seekers locked up in the UK*, January 2014

41 <http://www.theguardian.com/uk-news/2014/may/17/mps-serco-yarls-wood-centre-sex-assault-claim>

42 MD, *op cit*, 136.

43 Vulnerable People Working Group of the Detention Forum, research report forthcoming 2014

3

Unjust detention and deportation

Unfairness and danger for asylum-seekers and families

The Detained Fast Track

The Detained Fast Track asylum process is implacable.

It is implacable to the person who has just claimed asylum. You find yourself locked up without warning in a high security “removal centre”, for your asylum to be processed to accelerated timescales. Everything from your access to meals and healthcare to your lawyer is arranged by those who are directly or indirectly detaining you.

It is implacable in its internal logic: once you are detained on the Fast Track, there is often no way out. You are refused asylum because you don’t have evidence and you can’t have time to get evidence because the Fast Track requires that you make your appeal in two days.

And it is implacable in its expansion. It was introduced in 2000 to respond to unprecedented numbers of asylum claims. Although asylum claims have fallen,⁴⁴ the Detained Fast Track (DFT) system continues to grow. A higher proportion of asylum-seekers are now detained, for longer periods, in worse conditions, with tighter timescales, than was ever initially intended.

“An unacceptably high risk of unfairness”

This implacability was interrupted on the 9 July 2014. In a long-awaited ruling on a legal challenge brought by Detention Action, the High Court found that the DFT “as operated carries an unacceptably high risk of unfairness”, thus crossing the threshold of unlawfulness.⁴⁵

Both previous legal challenges to the Fast Track had failed to demonstrate unlawfulness,

44 In 2002 there were 84,132 asylum applications in the UK; by 2012 the number had fallen to 21,875.

45 *Detention Action v. Secretary of State for the Home Department* [2014] EWHC 2245 (Admin), 197.

leaving the Home Office to believe that it could expand the scale and scope of the DFT as it chose. This implacable expansion is at an end.

Following a major expansion of bed-space in 2013, almost one in five asylum-seekers, around 4,500 asylum-seekers per year, are currently put through the Fast Track.⁴⁶ Many of them call Detention Action – around half of the people we support are on the Fast Track. Most speak of their distress and confusion, not understanding what is happening to them or why they are locked up.⁴⁷ Many are terrified of being sent back without their case being properly heard.

In most cases, there is nothing we can do.

Suitable for a quick decision

The Fast Track is designed for asylum claims that are considered to be suitable for a quick decision. However, the decision to fast-track an asylum case is made when very little is known about the person's situation. As a result, people with complex cases, including victims of torture, trafficking, gender-based violence and homophobic persecution, are regularly detained on the DFT.

The High Court in *Detention Action* found “deficiencies” in the screening process and noted that “the process inherently cannot identify all the claims which are in fact unsuitable for detention or a quick decision.”⁴⁸ Mr Justice Ouseley expressed “real unease about the cases which go through the DFT system when they should not have done so.”⁴⁹

Wrongly entering the DFT can have devastating effects on a vulnerable person's chances of asylum. The Home Office refuses 99 per cent of asylum claims which they have placed on the DFT.⁵⁰

If a person is wrongly put on the Fast Track, there are safeguards that should ensure that they are taken off. For example, Rule 35 of the Detention Centre Rules requires medical staff to report on any person for whom detention is harmful or who may have been a victim of torture.⁵¹

However, the High Court concluded that Rule 35 reports “are not the effective safeguard they are supposed to be” and do not work as intended to remove unsuitable cases from the DFT.⁵²

When their case is refused, asylum-seekers have just two days in which to appeal. There is no new consideration of whether their appeal is suitable for the DFT, although far more information about their case is available at this stage than was the case at the screening stage when they entered the DFT. Many asylum-seekers find themselves unrepresented at appeal, and must navigate a complex and fast-paced appeals process in a language they often do not understand. In 2012, 59 per cent of asylum-seekers in Harmondsworth were unrepresented at the first appeal. Only 1 per cent of them won their appeals, compared to 20 per cent of those with a representative.⁵³

46 *Ibid*, 72. There were 2,687 DFT cases between April and October 2013, a substantial increase on the 2,482 asylum-seekers entering the DFT in the whole of 2012. There were 23,507 asylum applications in the UK in 2013.

47 *Detention Action, Fast Track to Despair*, 2011, p18

48 *Detention Action v. SSHD, op. cit.*, 112.

49 *Ibid*, 194.

50 *Detention Action, Fast Track to Despair*, 2011, p12

51 Detention Centre Rules 2001, <http://www.legislation.gov.uk/ukxi/2001/238/contents/made#35>

52 *Detention Action v. SSHD, op. cit.*, 133.

53 January-September 2012, statistics from FOI requests by Detention Action, FOI/76942 and FOI/80225

Most speak of their distress and confusion, not understanding what is happening to them or why they are locked up

The threshold of unlawfulness

However, in the view of the High Court, it was the delayed and limited access to legal advice that tipped the operation of the Fast Track over into unlawfulness. Asylum-seekers were waiting an average of a week in Harmondsworth to be allocated a lawyer by the Home Office. This had the result that they often had only half an hour with their lawyer immediately before their interview, allowing very little time to build trust, explain their case and to receive advice. The High Court found that the “seemingly indefensible period of inactivity”, when the person was detained but could do nothing to work on their case, combined with the shortcomings elsewhere in the process, created an “unacceptably high risk of unfairness” in the process as a whole.⁵⁴ The system, Mr Justice Ouseley concluded, “does not permit [the Home Office] to run it quickly only when it suits, and slowly when it does not.”⁵⁵

It remains to be seen how the Fast Track will ultimately change as a result of this ruling. The Home Office immediately took steps to ensure that lawyers are allocated quickly and have at least four working days before the asylum interview. As a result, lawyers now have a small window to get people taken off the Fast Track and released. However, it may be that the Fast Track is still operating unlawfully, as the High Court was only prepared to say that the Home Office’s changes had the potential to make the process lawful. It is likely that there will be further legal challenges by individuals whose cases have been handled unfairly. Further change is likely – the era of implacable expansion is over.

However, this vista of litigation and incremental change begs the question of why the UK remains committed to a process that runs such risk of breaching the UK’s international obligations to people fleeing persecution. There is no longer a political crisis of asylum numbers, to which detention can appear as the solution. Asylum claims can perfectly well be processed quickly and efficiently in the community. Why is any of this necessary?

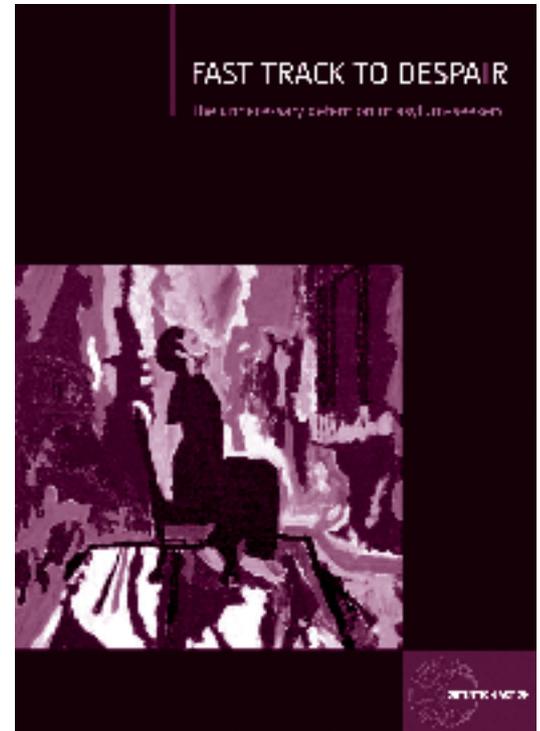
“A Mafia trial”

“ I am a survivor of torture from a North African country. I arrived in the UK on a student visa. I had never heard of ‘Fast Track’. People told me “if you contact the Home Office, they try to send you back to your torturers.” I know it is a wrong thing to say, but I wish I had listened to them. They were right.

After I sent a letter to the Home Office they arranged for my screening interview. It lasted ten minutes. The man asking me questions was racing through it...yalla, yalla, yalla, quick, quick, quick. What is your nationality? Have you had your fingerprints taken? Where are your family? Nothing about my torture. Nothing about my health record. Nothing about if I was fit for detention. Nothing about “Fast Track”.

⁵⁴ *Detention Action v. SSHD*, *op cit*, 200.

⁵⁵ *Ibid*, 196.



Fast Track to Despair, Detention Action research report, published in 2011

“He didn’t give me the chance to tell my story. He had already decided what my story was. I felt completely helpless”

One week later they moved me to Harmondsworth IRC. After another week, they told me I had an interview. They didn’t say what it was for or who would be doing it. But when I heard the word “interview” I thought it was people coming to see me, to help me, to talk to me, to find out why I needed assistance. Nobody said anything about the “Fast Track”.

Five minutes before the interview, they presented me with a solicitor. I sat with him and he asked me some basic questions – my name, where I was from, he tried to explain what was going to happen next. But every time we started to go into my case, the immigration officer would come in and say “Come on, no more time, let’s go, let’s go, let’s go.” Everybody was in a rush. I was confused. Nobody said anything about the “Fast Track”.

For the interview, my solicitor had an interpreter but so did the Home Office. The Home Office interpreter was from another North African country, not mine. From the first question, I could see this was going to be a fight. I was not expecting it. My interviewer harassed me. He was aggressive. He asked 170 questions, over 3 or 4 hours. It was like he was beating me with questions. And every time I spoke he told me to “hurry up”. He didn’t give me the chance to tell my story. He had already decided what my story was. I felt completely helpless. At this moment I understood why I was advised not to speak to the Home Office. I could see everything slipping away from me. Nobody told me this was the “Fast Track”.

At the end of the interview, the Home Office asked whether my solicitor had anything to say. His interpreter said that the Home Office interpreter had made many mistakes. Very bad mistakes. Mistakes that made me look stupid and contradicted my statement. The Home Office representative showed us out the door. There was still no mention of the “Fast Track”.

Two days to appeal

The next day I received the refusal letter. They gave me two days to appeal. Two days! The stress was unbelievable. My blood pressure went extremely high. I had to have medicine for anxiety and depression. My solicitor only got my appeal in five minutes before the 4 pm deadline. One day later, they gave me a court date for four days’ time. In between this, I had a Rule 35 from a doctor who confirmed I had experienced torture and great trauma. He said nothing about the “Fast Track”.

My hearing lasted no more than half an hour, just a few quick questions from the Home Office representative using the interpreter’s notes. There were so many errors it was painful to hear. It was as if they were talking about someone else. I felt so frustrated and angry and helpless, all at the same time. The judge believed my name and my nationality and nothing else. He ignored my Rule 35. It was clear that the decision had been made before a word was said. It was like the Mafia or something. At one point, the judge even walked out and forgot to dismiss everyone. It was a joke how little everyone involved cared. And it was my life!

I received a rejection letter from the court two days later. I fell into a great depression. They refused all my appeals and gave me a ticket. When this happened, I became very, very sick. The mental impact of this ticket was enormous. It was like getting a piece of paper which said “You will be executed on the 16 December”. It felt like attempted murder.

Two times they tried to get me onto a plane. I could feel my blood pressure going very high again. On both occasions, the pilot refused to take me. The Home Office were very annoyed.

They told me my fresh claim would not succeed. I was released last month.

At the time, I did not know that the thing ruining my life was called the “Fast Track”. Maybe nobody told me because they knew how terrible it was and they did not want to hurt me. I found out what it is the hard way. It is hell. It has given me severe psychological problems. People go into it balanced and they leave broken. I know now how lucky I am to have survived it. It does not surprise me to hear that 99 per cent of claims heard on the Fast Track are rejected.

I was still in detention when I heard about the judgement on Detention Action’s legal challenge against the Fast Track and the news it has been operating unlawfully. This recognition is good. But the response from the Court only confirmed the way I feel about the justice system here. In all my studies I have researched English law and I understand the principle of rights. What happened to

me as an individual was wrong, but the Home Office allowed it. Now the judges say the whole operation is wrong, but it continues. What justice is this? I am very pleased about the changes to the time people will have with solicitors. But it is not enough. It is a small part of the problem. No changes to the screening process? No changes to Rule 35? No changes to the appeal system? No suspension? No end of the Fast Track altogether? It does not surprise me that the Home Office have got away with it. This is what they do every day.

– Sharif



Ahmed Asiwaju:
Saving Me

Asylum from Sri Lanka on the Detained Fast Track

Sivapuranam was speaking quietly. Down the telephone, he told his story in a hollow voice. His involvement with the Liberation Tigers of Tamil Eelam (LTTE), the torture he experienced at the hands of the Sri Lankan police, his escape to the United Kingdom. Hoping for protection, he instead found himself on the Detained Fast Track, facing imminent removal back to a country where he feared for his life.

Sivapuranam’s story is not unique. Detention Action is seeing more and more Sri Lankan Tamils in detention and on the Detained Fast Track: four times more in the first quarter of 2014 than the corresponding period in 2013. Most of them are survivors of torture.

Campaigners have emphasised the multiple risks associated with removing witnesses who exposed war crimes during the Lessons Learnt and Reconciliation Commission held in Sri Lanka in 2011, and who might have a key role to play in the upcoming United Nations Inquiry into alleged war crimes committed by the Government of Sri Lanka and the LTTE.

Many people were forcibly removed to Sri Lanka on charter flights cloaked in secrecy

The last time that numbers of Sri Lankans in detention surged was in late 2011. While some were granted bail or temporary admission, many people were forcibly removed to Sri Lanka on charter flights cloaked in secrecy. Disconcerting evidence emerged that some, particularly Tamil,

returnees were subjected to torture after their arrival in Sri Lanka. Human rights groups raised concerns about the safety of the UK policy of removal.⁵⁶

In February 2013 a country guidance case in the High Court clarified the categories of people who would be at risk, allowing many to make fresh asylum claims.⁵⁷ Once again, the numbers of Sri Lankans in detention declined.

In recent months, however, the efforts to return Sri Lankans have been stepped up. The Home Office appears to be prioritising Sri Lankan asylum-seekers, including Tamils, for the Detained Fast Track: 90 per cent of Sri Lankans we have supported in 2014 have been on the Detained Fast Track. More than half disclosed to us that they are victims of torture. Many are struggling with severe mental and physical health issues associated with the torture they experienced, the trauma of being detained in the UK and the fear of return to Sri Lanka.

Considering the problematic nature of the Detained Fast Track, highlighted by the recent High Court judgment in Detention Action's legal challenge,⁵⁸ its use for Sri Lankan torture survivors raises serious concerns.

While a quarter of the Sri Lankans we have supported were removed, a full 55 per cent were released. Their time in detention was a waste of Home Office resources and taxpayers' money, and a futile exercise in re-traumatisation.

Deportation to Somalia

Somalia is one of the "worst of the worst" countries with the lowest standards of political rights and civil liberties. The Foreign and Commonwealth Office advises against all travel. The UNHCR has estimated 1.5 million internally displaced people in the country, and almost as many refugees abroad. Most of those live in camps over the border in Kenya. Only a few make it to safety in Europe.

Yet a few are preparing to make the return journey. Not by choice, but because the UK believes that the small improvements in security in Mogadishu make forced returns appropriate, despite frequent terrorist attacks by Al-Shabab, including on the national Parliament.

In May 2014, an unnamed man was deported to Mogadishu on a Turkish Airlines flight via Istanbul. He told Al Jazeera that he was punched and kicked by escorts as he protested. "I am in hiding and I'm trying not to be identified," he said. "I have surrendered myself to death."⁵⁹

Many more people wait in detention centres to find out if this is their future. Some have waited in detention for years: 59 per cent of the Somali people we have worked with over the last eight years were detained for over a year, 20 per cent for over three years.⁶⁰

56 Human Rights Watch, "We Will Teach You a Lesson": Sexual Violence Against Tamils by Sri Lankan Security Forces, February 2013; Freedom from Torture, *Out of the Silence: New evidence of ongoing torture in Sri Lanka*, 2011

57 *GJ (post-civil war: returnees) Sri Lanka CG (Rev 1) [2013] UKUT 319 (IAC) (5 July 2013)*

58 *Detention Action v. Secretary of State for the Home Department [2014] EWHC 2245 (Admin)*, 197

59 Al Jazeera, UK asylum seeker claims harrowing deportation, 1 June 2014, <http://m.aljazeera.com/story/2014531152337459254>

60 Detention Action, *Indefinite detention and deportation to Somalia*, September 2013

The Home Office has never ceased to detain Somalis, despite repeated rulings by the courts that prevented them from being deported. The European Court of Human Rights found in 2011 that the level of violence in Mogadishu posed a real risk of inhuman and degrading treatment for the vast majority.⁶¹ The Home Office agreed then to reconsider asylum claims.

However, in September 2013 the European Court of Human Rights concluded that the current situation in Mogadishu would not “place everyone who is present ... at a real risk of [inhuman and degrading] treatment.”⁶² The European Court’s suspension of removals has been lifted, allowing the UK to attempt to restart deportations.

Many “Somalis” in detention have lived almost their whole lives in the UK. 61 per cent of our clients came as children. Many barely remember Somalia, and know it only from new reports of attacks and atrocities. “Sometimes I have trouble sleeping, especially when I watch the ten o’clock news,” Mohammed told us.

The court litigation continues. Subsequent attempts at forced removals have been cancelled on the grounds of a pending country guidance case that will assess whether the recent improvements make Somalia safe for returnees. In July 2014, Al-Shabab attacked and temporarily occupied part of the presidential palace for the second time in a few months, killing fourteen soldiers. Suicide bombings are frequent. Death is everywhere.

In Britain’s detention centres, they continue to wait, and to watch the news.

The “foreign criminal”, legal aid and the right to a family life

Outside of radical Islam and paedophilia, there are few more potent political bogeymen than the foreign criminal defending his right to a family life in the UK. He is most often seen on the pages of the tabloids, frequently on the steps of the court with what looks like a smirk, as he makes his way into something called “Soft Touch Britain.”

It is curious that the right to a family life has become so controversial in a society that still idealises the family as basic unit. Maybe the “foreign criminal” attracts such ire because he represents so many ways in which many or most actual families don’t conform to this ideal – poor, ethnically mixed, troublesome. Idealisations of the family and parenthood rarely work for everyone, as single mothers have found out for generations.

But part of the political fury against foreign ex-offenders with families is more pragmatic; this, it seems, is a battle that can be won. Splitting up families is something that the government can achieve: unlike the right not to be tortured, for example, the right to a family life is not absolute, and can be weighed against the priorities of immigration control. Deep in a futile struggle to reduce net migration figures, unable to keep out EU nationals or refugees, the government is targeting foreign members of British families, by restricting the rights of (poorer) British people to bring their spouse to the UK, for example.⁶³

Most appealingly, these rights can be reduced whilst saving money on legal aid, another pet hate of this government. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) effectively ended access to legal aid for a wide range of immigration cases,

61 *Sufi and Elmi v. UK* (Applications nos. 8319/07 and 11449/07, 28 June 2011)

62 *K.A.B. v. Sweden*, Application No 886/11, 5 September 2013

63 <http://www.migrantsrights.org.uk/blog/2014/06/18600-income-requirement-pricing-uk-workers-out-family-life>



Imran Qadeer:
*Hoping Against
Hope*

including family rights under Article 8 of the European Convention on Human Rights.⁶⁴ People in detention defending their right to stay in the UK must either find money to pay a lawyer, or attempt to represent themselves. They may have the right in law to stay with their families – but the law is no longer accessible.

Virtually British

Who are these “foreign criminals” supposedly seeking to exploit loop-holes to stay in the UK with their families? For one thing, many are not obviously foreign. They have come to the UK as babies or small children, grown up in poverty, and never applied for British passports because they never had the chance of a holiday abroad anyway. Some were raised in care, the responsibility of the British state, whose delegated carers never got around to making a passport application. Their accents are East London or Leeds rather than Mogadishu or Karachi –

they may not even speak Somali or Urdu. When they get into trouble with the police, go to prison and finish their sentences, they are shocked to discover that they are not British.

Many have British wives or husbands, and British children whom they are desperate to support and see growing up. They are carers for British parents. They have British friends, from their British primary schools, British secondary schools, British workplaces. But, suddenly, they are not British.

Their indefinite leave to remain is revoked, and they are given a deportation order. Without legal aid, they cannot get a lawyer to make their appeal. They are often detained in prison, where it can be difficult even to access and send the appeal form, let alone find out your rights and gather your evidence.

Some are EU nationals, who under EU law benefit from greater protection against deportation. Protection that is meaningless if they cannot access a lawyer to make the argument.

⁶⁴ See for example, Garden Court North Chambers, *What an immigration lawyer needs to know about LASPO 2012*, http://www.gcnchambers.co.uk/areas_of_specialisation/laspo_resources

The Immigration Act – ever fewer rights

As if the odds were not already stacked against them, the 2014 Immigration Act further restricted the rights of even those people who could get to court.⁶⁵ The failure of the courts to toe the line and deport foreign criminals has long been a sore point for Theresa May; changes to the Immigration Rules in 2013 attempted to impose the Home Office's interpretation of what Article 8 means, with predictably limited effect as judges continued to apply the law. As a result, the government changed the law, putting its version of Article 8 into the Immigration Act by way of a list of matters to which the Tribunal must have regard.⁶⁶ The Home Office also got the right to deport without waiting for an appeal, where it judges that the person would not suffer "serious irreversible harm."⁶⁷

British common law promises everyone going to court the principle of equality of arms. Yet migrants defending their rights to a family life now face a formidable array of obstacles to justice. While the government instructs expensive lawyers, they must usually appeal alone, without representation, from a detention centre or prison cell, or even their country of origin. In a legal framework that their opponent has done everything to slant against them.

"My daughter is the umbilical cord binding me to Britain"



I came to the UK alone, when I was 14 years old. I lived on the streets. I got in trouble. I was arrested a few times for petty crimes.

In 2010, I was arrested for common assault. My sentence was only a few weeks but when it was added to my previous ones, they all came to a year.

Since then, the Home Office have kept me in detention.

They are trying to deport me.

My daughter is seven.

These are my facts.

When I think back to my country of origin all I can only remember is the government forces beating me, and my parents. I cannot picture where I lived, or what I used to do. I cannot remember the language or the landscape. From my youth, right up until this moment

A RESIDENCE TEST FOR LEGAL AID

In 2013, the Ministry of Justice published proposals for further reform to legal aid, introducing a residence test whereby anyone not lawfully resident in the UK for at least 12 months would be denied legal aid for a far greater range of cases. The initial proposal would have left the vast majority of migrants in detention without access to legally aided representation, detained indefinitely without even a lawyer to seek their freedom. Following a flurry of campaigning and an overwhelming response to the consultation, the Ministry of Justice introduced exemptions that maintained legal aid for challenges to detention, although not for compensation claims for people who have been unlawfully detained. In any case, the residence test was subsequently ruled unlawful by the High Court in July 2014⁶⁸ – its future is doubtful at best.

65 Detention Action, *The Right to Love and the Immigration Bill*, 2013, <http://detentionaction.org.uk/timelimit/defend-the-right-to-love>

66 Immigration Act 2014, 19

67 Immigration Act 2014, 17 (3)

68 <http://www.publiclawproject.org.uk/news>

– stuck in detention with no end in sight – I am British. It is not a question of passports or ID numbers. This is how I grew up. I raised myself in Newcastle, Leeds and Birmingham. English is my language.

I am emotionally connected to things here but my daughter is the umbilical cord. She binds me to Britain. If the Home Office had any interest in my story, they would acknowledge how crazy and sad this cycle is: my parents were taken away from me and “disappeared”; and now they are trying to take me away from my only daughter. They are hoping I will “disappear” too. They want me to sign to go back to where I was born. But this is a place where I have nobody, where I don’t know the culture, and where I have been told (personally, by staff at my country’s embassy) that I will be arrested the second I arrive.

They want me to sign to go back to where I was born. But this is a place where I have nobody, where I don’t know the culture, and where I have been told that I will be arrested the second I arrive.

Nobody told me I wasn’t allowed to have a child in this country. Sometimes, I wish they had. Not that I don’t love my daughter more than anything else in the world – I would die for her. But because we are both suffering now. There are no words to explain how it feels to have your daughter grow up away from you. It tears me apart. I am a silhouette of a father, not the real thing. I would not wish it on anyone. When I was at a different Immigration Removal Centre, I would see more of her but now we are far away from each other. She last visited two months ago. I speak to her every day, and she sends me presents and I get her school reports ... but it is no way to raise a child. The worst thing is I cannot give her any answers. She often asks me why I am locked up here but it is difficult to explain because I don’t really understand myself. The only thing we both know for certain is I love her.

I take full responsibility for my actions, but this separation is criminal. Sometimes I wish nobody had told me about Article 8 – that I have the right to family life and that this is supposed to be part of British law. I get angry when I think about it because I know I cannot access it. It feels like the Government is doing everything it can to stop me from being with my daughter. LASPO is just another part of this. Access to legal aid was already very bad, but with the cuts, I had to represent myself. Everything dried up. My Article 8 case was buried.

I think Theresa May is probably very happy about this. She says her job is to deport foreigners. She is very passionate about this work (although I am sure the Home Secretary must have other responsibilities?). She seems to care much less about the British justice system. My time in this country or my indefinite detention or the rights of my child are even less relevant to her. She does not know the things I will suffer if I am deported and she does not care. I am just a number she thinks she can turn into a vote, somewhere else. LASPO is about politics, not law. We cannot even trust the judges who decide our cases because we hear they are also under great pressure. They are scared the media will attack them for helping the “thousands of foreign criminals” stay in the UK. But how many people in 2012 won their right to remain here because of their right to family life? Less than 150.

Me and my daughter demand an end to the separation of families by immigration detention.

– Matthew

4

Alternatives to detention

Hope for change

Community support as an alternative to detention

Policy-makers, briefed on the case for reducing detention, usually ask “so what is the alternative”? Increasingly, reform of detention is being linked to the development of “alternatives to detention” that meet state immigration control objectives without depriving migrants of their liberty.

The Liberal Democrats’ immigration policy links ending indefinite detention to developing alternatives.⁶⁹ The EU Returns Directive makes the development and implementation of alternatives a legal requirement (outside the UK, which doesn’t apply it). The UNHCR, the UK Refugee Agency, has prioritised alternatives as one of the three main goals of its new global detention strategy.⁷⁰ Yet there is little consensus on what alternatives to detention can be.

Alternatives to detention have been defined as measures that allow migrants “to reside in the community with freedom of movement while their migration status is being resolved or while awaiting deportation or removal from the country.”⁷¹ They aim to meet the objectives that states give for detaining, without detention.

Could alternatives be a way out of the UK’s intractable problem of long-term detention? What are the Home Office’s objectives in detaining indefinitely, and how could they be met in the community?

Migrants are most often detained for years because the Home Office asserts that they are

69 Liberal Democrats, *Making Migration Work for Britain*, February 2014

70 UNHCR, *Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seekers and refugees*, June 2014

71 International Detention Coalition, *There are alternatives*, 2011

Freed Voices,
interviewed
by *New
Internationalist*



at risk of absconding or re-offending. Research has found that unrealistic and un-evidenced assessments of risk by the Home Office are being used to justify refusing the release of ex-offender migrants.⁷² The Home Office and the courts find themselves considering release in an evidential vacuum: few migrants have any structured support in place to aid their reintegration. Most migrants leaving detention have only an address, with friends or family or provided by the government. Ex-offenders usually receive no preparation for release, and often miss out on probation support because their period of licence has expired while they are in immigration detention.

It is easy then to argue that they are a risk. Yet in fact there are abundant support services for irregular migrants in the community. Middlesbrough or Gateshead may appear a vacuum to a decision-maker in London, but the reality is very different.

The Home Office and the courts find themselves considering risk in an evidential vacuum

Detention Action's new Community Support Project is the first alternative to detention specifically to address these causes of indefinite detention and the needs of ex-offender migrants. It is also the first alternative to detention to focus on migrants' active community participation.

The project aims to demonstrate that, with reintegration support, ex-offender migrants rarely abscond or reoffend, and therefore that the long-term detention of ex-offenders with barriers to removal is unnecessary.

Detention Action will provide intensive case management support to young migrants under the age of 30. Building on the model developed in Sweden and Australia, this will involve identifying local services to meet their individual needs, addressing accommodation problems, facilitating access to advice and information about the immigration process, and identifying opportunities for participation in the community. Participants will receive both one-to-one support and training in life skills.

The young migrants will also join the Freed Voices self-advocacy group and speak out about their experiences as part of Detention Action's campaign against indefinite detention. They will attend training on telling their stories, and go on to speak to public meetings or the

⁷² Bail for Immigration Detainees, *The Liberty Deficit: long-term detention and bail decision making*, 2012

media as experts by experience. As campaigners they will have a sense of purpose, both to keep their lives on track and to work with others towards ending the injustice of indefinite detention.

Most ex-offenders leaving long-term detention are currently being housed in the north-east. As a result, we are working on the ground in Tyneside and Teesside, alongside local partner organisations, to help participants to reintegrate into the local communities.

From 2015, Detention Action will be working with migrants in detention to seek their release onto the project. Migrants applying for release will be able to present their reintegration plan to the Home Office or the courts, setting out the community support in place and the absconding and reoffending rates of the project to date.

In the future, it is hoped that the evidence and learning from the project will influence the development of wider alternatives to detention by both government and civil society, as well as enabling a shift in policy away from indefinite detention.

“The million-dollar question ... are there alternatives?”

“ In the three and a half years I was in detention, I was visited twice by the Home Office – first, they took my fingerprints and then to take my photo. That was it. They gave me no reasons why I was at Harmondsworth or how long I would stay. The monthly reports they sent me just said they were waiting to hear back from the Iranian embassy. But I knew that without a passport or ID card, the Iranian embassy would not give them travel documents. I knew it, the embassy knew it, the Home Office knew it, everybody knew it. The Iranian embassy even closed and they still kept me locked up! I could not understand why I was not being released. I co-operated from day one. I started to think the Home Office were evil and torturing me on purpose. I tried to understand their reasons but I could not find any. It did not make sense. I remember thinking to myself that “there must be another way”.

When I was finally released from detention I felt lost. I felt scared. I had been isolated so long I couldn't look people in the eye. I was so used to only ever moving a few metres this way or that, I found it difficult to walk any more than that. The Home Office had turned off my brain for three and a half years, so I had trouble reading. Even basic street or shop signs.

After a few months I got involved in Detention Action's Freed Voices project. Slowly, session by session, I started to feel better. I felt supported. My asylum case was ongoing and Detention Action helped me find a solicitor and explained the process. They put me in touch with other organisations that offered different kinds of help. I started to go to church and talk with people there. My brain switched on and my confidence started to



Freed Voices and Detention Action's Director Jerome Phelps after the launch of the Parliamentary inquiry.

“With support and structure, I could have been adding to society”

come back. With this structure around me I did not abscond and I did not re-offend.

Last week, almost fifteen years after I first claimed asylum, I won the appeal on my fresh claim. When I look back it is still very difficult to understand why I was ever in detention during this period. Even the Home Office do not seem to know. Earlier this year, they offered me tens of thousands of pounds in financial compensation. They admitted that my detention was unlawful. So why did they do it then? They knew I could not go back. They have lost lots of money, I have lost my mental health. So who won? I did not need to be locked up for them to telephone the Iranian embassy every few months. With support and structure, I could have been adding to society. That way, everyone would have benefited.

Detention Action’s new Community Support Project is trying to build on the Freed Voices pilot. I think it can provide even stronger evidence that there is “another way”. It can add to the debate on alternatives to detention. I am happy to hear the UN and some UK political parties are already talking about these options. I am happy to hear the first Parliamentary Inquiry on Detention is looking into it too. But the public doesn’t know anything about this debate. Many don’t even know about detention, full-stop. We need to educate them.

Only then will they be able to ask politicians the million-dollar question: if detention does not work, and there are better and cheaper alternatives, why is the UK government still putting people in detention?

I think it is because detention in the UK is Big Business.

– Hamid

The political momentum for detention reform

The detention of adult migrants has never received the scrutiny it deserves. Attempts to extend the detention without trial of terror suspects have, rightly, been the object of intense public and political attention. But the creeping normalisation of locking up foreigners, simply because they are foreigners, has gone largely unnoticed in mainstream political circles.

Unnoticed and unaddressed. In January 2014, the last active terrorism prevention and investigation measures (TPIMs), the successors to control orders and the unlawful detention without trial of terror suspects, were quietly allowed to lapse. They followed into oblivion Indefinite Public Protection sentencing of the most dangerous offenders, widely recognised as a disastrous and unjust contribution to prison overcrowding and repealed in 2012. Indefinite immigration detention predates both, and has outlasted both.

But immigration detention has not been absent from the political agenda. Public and political concern at the detention of children reached critical mass in 2010, leading the new Coalition Government to pledge to end the immigration detention of children.

Children continue to be detained, albeit in smaller numbers, for short periods, in improved conditions.⁷³ But this was a government acknowledging that, at least for children, detention was not the right approach, and investing in attempting to develop an alternative. The Family Returns Process, while far from perfect, does attempt to prioritise engagement with migrants over enforcement and detention.

The detention edifice as a whole has not shaken. Indeed, two new detention centres have since opened, and numbers of migrants in detention reached 4,000 for the first time in 2013.

⁷³ Home Office, *Evaluation of the new family returns process*, December 2013

But it no longer seems beyond respectable mainstream criticism. A head of steam may be building up for change.

Momentum for reform has been growing throughout 2014, fed by media coverage of hunger strikers close to death, sexual assault allegations in Yarl's Wood and a series of tragic deaths. The members of the Detention Forum have for several years been quietly and strategically building an informal Parliamentary and civil society alliance against indefinite detention.⁷⁴ The fruits are now becoming visible.

The renewed cross-party interest in detention was clear in the ultimately unsuccessful attempts to insert a time limit into the Immigration Bill in the House of Lords. A government defeat was never on the cards, but Parliamentarians from all parties spoke powerfully about indefinite detention. Significantly perhaps, even peers who opposed Baroness Shirley Williams' amendment setting a time limit, including the Labour shadow minister, hinted that some sort of (longer) time limit might be appropriate.

Soon after, in February 2014 the Liberal Democrats' spring conference approved the party's immigration policy, which includes ending indefinite detention for immigration purposes.⁷⁵ The Liberal Democrats propose to "look carefully at setting a time limit... learning from the rules successfully implemented by our European partners." They envisage in the longer term a time limit at the lower end of the range of European time limits, which range from the French 45 days to the 18 months absolute limit of the EU Returns Directive.

Likewise, Citizens UK, who in 2010 campaigned for an end to child detention, have made putting a time limit on adult detention a key plank of their 2015 election manifesto.⁷⁶ All the signs are that indefinite detention will be a significant issue in the election campaign.

It will remain on the Parliamentary agenda in the meantime. In July 2014 former minister Sarah Teather MP announced an inquiry into detention by the All-Party Parliamentary Groups on Refugees and Migration.⁷⁷ The inquiry is being conducted by a heavyweight cross-party panel covering the whole political spectrum, and including Labour policy chief Jon Cruddas and Conservative former minister Caroline Spelman.

Will this inquiry lead to change, where previous examinations of detention have failed?



"It's time for a time limit" – Freed Voices member before Parliamentary meeting.

⁷⁴ <http://detentionforum.org.uk/>

⁷⁵ Liberal Democrats, *Making Migration Work for Britain*, February 2014

⁷⁶ Citizens UK Manifesto 2015, <http://www.citizensuk.org/2015selection/>

⁷⁷ www.detentioninquiry.com

The political context suggests that the time might now be right for limiting detention. At the opening hearing session, the sense of urgency was palpable. After opening evidence from Shami Chakrabarti and Detention Action Director Jerome Phelps, the floor belonged to disembodied voices from detention centres. For the first time, people in detention spoke directly to the heart of UK politics, telling their stories by telephone, demanding change.

As Souleymane told the visibly moved panel of Parliamentarians, “We have to put detention on trial.”⁷⁸

“Mixed feelings about the Parliamentary Inquiry”

“ In 2008, the Independent Asylum Commission did an assessment of the UK’s asylum system. They decided it was time for a “root and branch review”.

I arrived in the UK in 2012 and I was put on the Detained Fast Track after I claimed asylum. My time in detention was hell. It was mental torture. I suffered greatly. If the conditions I experienced were after four years of progress, then the situation back in 2008 must have been unimaginably bad. It is clear the “root and branch review” stayed on paper. Its recommendations were ignored. And the people who would have been affected by those recommendations – people like me – were forgotten.

And that is why I have mixed feelings about the ongoing Parliamentary Inquiry on Detention.

In many ways, the Inquiry is a great step forward. It is different to other investigations because it looks at detention as a whole – not just children in detention, or the Detained Fast Track, or legal access. This is important because detention in the UK is an industry. Everything is connected. From bad decision-making to poorly trained staff. From safeguards that don’t work to rubbish healthcare. From violent removals to greedy private investors. It is a spider-web. I hope this Inquiry can show how these are all linked together.

This Inquiry has also put people like me, with experiences of detention, at the centre. It is easy to make decisions that impact people you never have to see. Or whose stories you don’t have to hear. But it is much more difficult when you must look those people in the eye and listen to the way that detention ruined their lives. I was there at the first evidence session in Parliament in July. I could see how shaken the cross-party panel of Parliamentarians were listening to people tell their stories.

It was important for the MPs to listen but it was also important for us to speak out and not be silenced by the Home Office. For this Inquiry to be a success, it needs to involve the detainee and ex-detainee’s voice at every stage. We are experts-by-experience. They need to take on our testimonies but they also need to take on our recommendations.

What scares me is the thought that this will just be another report. Like the one in 2008. And all the Independent Monitoring Board reports. And all the reports from the Independent Chief Inspectors. And all the reports from charities and NGOs. I am worried it will also just stay on paper. I am worried there will be no action. Because the truth is that we already have lots of evidence to make an informed decision.

How many more deaths in detention before we realise we need a change? How many

“It is easy to make decisions that impact people you never have to see”

⁷⁸ <https://detentioninquiry.files.wordpress.com/2014/07/first-evidence-session-transcript1.pdf>



Kuka speaking at the APPG Refugees Parliamentary meeting on detention.

more mental breakdowns? How many more people on hunger strike? How many more self-harmers? How many more cases of sexual harassment? How many families broken? How many more lives ruined?

I have a friend who gave evidence in the first oral session. He is a survivor of torture and was trafficked as a child. He has been diagnosed with PTSD and doctors have told the Home Office many times he should not be in detention. He has been locked away for over three years. On no charge.

I hope that for him, and others like him still in detention, this Inquiry will end up being more than just a nice read. I hope it will bring real change.

– Kuka

About Detention Action

Detention Action aims to change the way that migrants are treated by immigration detention policy in the UK. We defend the rights and improve the welfare of people in detention by combining support for individuals with campaigning for policy change. Detention Action works primarily in Harmondsworth and Colnbrook Immigration Removal Centres, near Heathrow Airport, prisons in London, and HMP the Verne in Dorset.

Detention Action campaigns and lobbies for an end to indefinite detention and the Detained Fast Track asylum process:

- We co-convene the indefinite detention working group of the Detention Forum, which aims to build a broad civil society coalition for a time limit of 28 days on detention;
- Working with the Detention Forum and the All-Party Parliamentary Group on Refugees, we spoke at and assisted in organising three Parliamentary meetings during the year;
- We lobbied Parliamentarians during the passage of the Immigration Act 2014 to lodge an amendment (drafted with the Immigration Law Practitioners Association) imposing a time limit on detention, which drew passionate debate in the House of Lords;
- We successfully campaigned and lobbied for legal aid not to be withdrawn from migrants held in detention;
- We lobbied the Liberal Democrats to include ending indefinite detention in their immigration policy paper;
- We convened and supported the Freed Voices self-advocacy group of migrants with experience of detention, who spoke in Parliament and in the media and published articles and blogs;
- In January 2014 we published *Point of No Return*, a research report on the detention of unreturnable migrants, produced jointly with four partner organisations in three European countries;
- Our articles on detention were published in the *New Internationalist*, *Church Times*, the *Huffington Post*, *openDemocracy* and *Forced Migration Review*;
- We challenged the lawfulness of the Detained Fast Track asylum process, leading the High Court to find in July 2014 that the process was operating unlawfully. We are represented by Migrants' Law Project, Charlotte Kilroy of Doughty Street Chambers and Nathalie Lieven of Landmark Chambers.

Detention Action supported 1,354 people in detention in 2013-14.

- 91% of new clients were men and 9% were women detained in the short-term units at Colnbrook.
- 50% were in Harmondsworth, 44% were in Colnbrook, and 6% in prisons.
- 80% had claimed asylum, and 46% were on the Detained Fast Track.
- 38% had no lawyer. 55% were removed; 45% were released.

The most common nationalities were:

- Nigeria 98
- Pakistan 97
- India 78
- Bangladesh 67
- Sri Lanka 43
- Afghanistan 42

We held 20 advice workshops in detention centres and prisons during the year, attended by 740 people.

We held 15 workshops for women detained in the short-term units at Colnbrook, attended by 141 women.

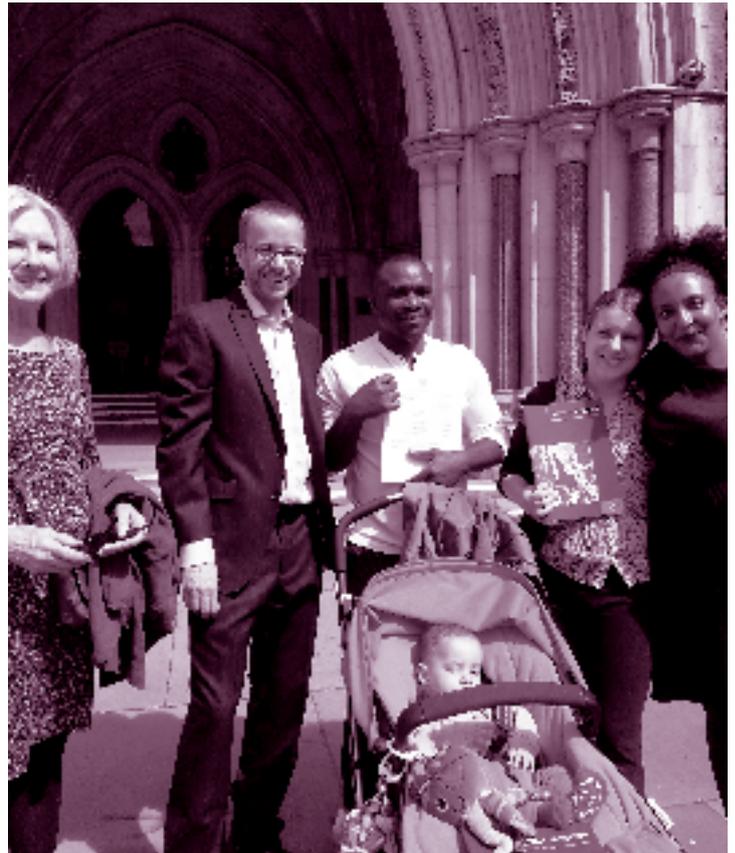
In April 2014 we began holding advice workshops in HMP the Verne, Dorset. We have to date held five workshops, attended by 99 detained migrants.

We made 236 applications for bail addresses. Migrants in detention in most cases have the right to bail addresses, which can enable them to seek their release on bail and avoid destitution. 24 people were released to bail addresses that we had arranged last year.

68 Detention Action volunteers made 579 visits to 114 migrants in detention. Volunteer visitors provide emotional support to the most isolated migrants in detention, visiting each migrant throughout their time in detention.

We launched the new Community Support Project in April 2014. The project is an alternative to detention for young ex-offender migrants leaving long-term detention.

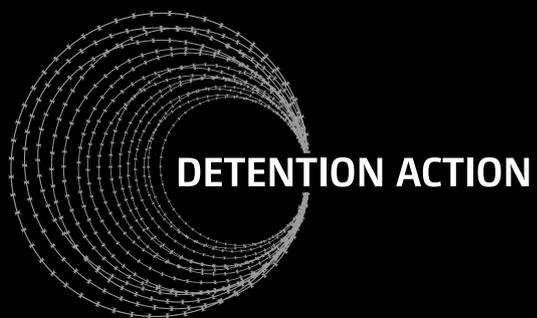
Detention Action's staff team is: Jerome Phelps (Director), Tamsin Alger (Casework and Policy Manager), Advocacy Coordinators Magali Carette, Rahwa Fessahaye, James Read, Clare Hayes (left August 2014), Tony McMahon (Community Support Coordinator), Ben du Preez (Campaigns and Communications Officer).



Detention Action on the steps of the High Court following the Detained Fast Track judgment.

Detention Action is supported by the AB Charitable Trust, Allen Lane Foundation, Barrow Cadbury Trust, Bromley Trust, Eleanor Rathbone Charitable Trust, Esmee Fairbairn Foundation, European Programme for Integration and Migration, Henry Smith Charity, Jill Franklin Trust, Joseph Rowntree Charitable Trust, Lloyds Foundation, the Oak Foundation, Odin Charitable Trust, Paul Hamlyn Foundation, Trust for London and the Tudor Trust.

In memory of Ester Gluck.



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