



Runa Miah  
Home Office  
36 Wellesley Road  
Croydon  
CR9 2BY  
Sent by email: [DSOConsultation@homeoffice.gov.uk](mailto:DSOConsultation@homeoffice.gov.uk)

Tuesday 22<sup>nd</sup> June 2021

**Response to the consultation on draft Detention Services Order –  
'DSO 01/2018 Release of Detainees from Immigration Detention'**

Dear Runa,

1. Many thanks for your email of 9<sup>th</sup> June 2021 inviting us to submit views and comments on draft **'DSO 01/2018 Release of Detainees from Immigration Detention'**. We at Detention Action greatly welcome the opportunity to contribute to this consultation.
2. **Detention Action** was founded in 1993 and exists to support people held in immigration detention and to campaign for fundamental reform. Detention Action provides practical and emotional support for people who are detained at Colnbrook, Harmondsworth, and Morton Hall Immigration Removal Centres (IRCs) and for people detained under immigration powers in London prisons. Independent from the government and from the IRCs, the charity campaigns for reform of the detention system, including the introduction of a 28-day time limit and the expansion of community-based alternatives.
3. We have written this consultation response in collaboration with **Allies for Justice 'AFJ'** a campaign group for people with lived experience of the UK's immigration detention, deportation and asylum systems who are passionate and committed to campaigning and who use their lived experience as a form of expertise, knowledge and skills to change the UK's immigration detention and deportation policies. We have also sought additional input from the **Detention Action 'Training and Recruitment Working Group'** a collaboration between experts by experience and staff which shapes and steers the development of our frontline work.
4. Detention Action and Allies for Justice welcome the drafting of this DSO on the important issue of release from IRC's. Whilst we do not provide post-detention support we often guide individuals through the release process which includes ensuring that they have a safe and stable release address, access to a GP, medication and if relevant social or destitution support. Through our work

Detention Action  
Unit 1.8, The Green House, 244-254 Cambridge Heath Road, London  
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we have a strong understanding about the realities individuals face at ground level and how the DSO's and policies often play out in practice.

### **General Points to Note**

5. As a general point we welcome the shift away from using the word 'detainee' towards the more humanizing term of '**individual in immigration detention**' and would like to see this language across all future DSO's and policy documents.
6. We would also welcome a simplification of the language used in the DSO so that all individuals in detention and IRC staff can understand the policy thus making it more accessible to a wider demographic.
7. In **paragraph 7** bail is referred to as an 'alternative to detention' (ATD). We would like to clarify that bail is not an ATD and that an ATD entails community placement and support instead of immigration detention. 'Bail' (SoS or First Tier Tribunal) is a method of securing release.
8. **Paragraph 8**, the term 'Caseowner' can feel disempowering and dehumanizing as it suggests that the individual and their case belong to the Home Office. 'Caseworker' would be a more appropriate and neutral term.

### **Secretary of State (SoS) Bail**

9. We welcome **paragraph 9** which states, '*Bail conditions and any other paperwork must be explained to the detained individual, specifically highlighting their reporting date and time along with implications of non-compliance with any instructions. All bail conditions and reporting instructions must be explained in a language the individual understands*', however note that we often speak to clients who do not understand their bail conditions or who have not received them from the IRC. It would be good to ensure that there is not a gap between rhetoric in policy and reality and that IRC staff are fully briefed on the content of the DSO.

### **Travel Warrants to Detained Individuals Attending First Tier Tribunals**

10. We are working on the assumption that this DSO will replace '**DSO 03/2018 issuing travel warrants**' but it would be good for this to be clarified.
11. **Paragraph 23** refers to a 'travel plan', this travel plan should be written in a language that the individual understands.

### **Safeguarding Detained Individuals on Release**

12. **Paragraph 25** refers to the Service Provider ensuring that the individual can safely arrive at their destination and **paragraph 29** stresses that releases should occur during the day as far as possible. Whilst we welcome this we have often seen individuals arrive at their Home Office accommodation and not be able to access the property or for there to be no bed available for them. We also note that many people we support have found it difficult to get in contact with the

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person in charge of the property if issues do arise. Detention Action have supported a number of vulnerable individuals who have been incredibly distressed when unable to access their property and who have needed to seek support from us, their solicitor or their probation officer in order to rectify the situation and ensure that they are not street homeless and at risk of breaching their bail conditions. A member of AFJ spoke of having to assist an individual who was released from an IRC in Southern England at 10pm and required to travel to their accommodation in Liverpool. The individual missed the last train and had to spend a night sleeping in the station.

13. People who are released need to be given a contact number for the accommodation provider and this person needs to be available out of hours if they are released at a time which means they will arrive at the accommodation outside of office hours. There needs to be greater communication between the IRC Staff and the accommodation provider to ensure that the contact understands at what time someone will arrive to ensure there is access to the property and a point of contact if any problems arise. We would welcome greater procedural detail and clarification on this point in this DSO.
14. Reflecting on their own experiences of the above, a member of AFJ stated that they were given a travel warrant and the address of their accommodation but no guidance on how to get there. Furthermore, when they received their smart phone from their property the battery was dead, so they could not use google map. It would be good practice to ensure individuals have time before they are told to leave the center to charge their phones and assistance (when needed) to ensure that they have their accommodation location loaded on their smartphone map or that they have printed step-by-step instructions (in a language they understand) of how to get to the property. It would be good to see this reflected in the DSO.
15. Another member expressed concern that for those bailed to an Approved Premises if there are inadequate levels of support to reach the accommodation in place it can result in the individual being late and thus breaching their license which can have grave consequences.
16. In instances where the journey is longer than an hour we would welcome the individual being given water and money to buy some food.
17. **Paragraph 26** covers the release of individuals covered by the Adults at Risk (AAR) Policy, we have previously expressed concerns that the policy places the onus to prove vulnerability on the individual suffering ill physical or mental health and thus does not go far enough to identify and safeguard these individuals. We express concerns that this may also lead to vulnerable individuals being released without appropriate safeguards.
18. We note in **paragraph 27** it states that in any multidisciplinary meeting regarding release of a vulnerable person the presence of healthcare is optional. We believe that healthcare should be involved in the care of all individuals on ACDT and those who have been identified as AAR and thus embedded in to every step of the process, this includes attending any meetings regarding their release.

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19. Furthermore, there is not sufficient clarification in this DSO regarding the provision of medication and ongoing medical care following release. If this is contained in another DSO it should be clearly referenced and linked to this updated DSO.
20. We note that **Detention Services Order 08/2016 Management of Adults at Risk in Immigration Detention (July 2019) paragraph 35** states that *'In the case of release to the community, the IRC healthcare provider will inform the relevant healthcare provider in the community to ensure continuity of care, where possible and records will be forwarded as appropriate on release. A detainee should also be provided with a copy of their medical record on release'* however in practice we see a huge gulf between policy rhetoric and reality. We often support individuals who have not been released with medication or their medical records and as a result struggle to register for a GP causing a lapse of medication such as Sertraline and Olanzapine which can have a significant detrimental impact on their physical and mental health. We note that this continuation of care is only stated in regards to the management of those who fall under the Adults at Risk Policy and feel that every person regardless of if they are identified as an Adult at Risk or not should be released with the following:
- Enough medication to last until they are able to register with a GP.
  - A copy of their IRC medical records
  - Instructions of how to register with a GP in a language they understand.
  - The name and address of their local GP.
21. We would also welcome greater information sharing between the IRC NHS provider and their new NHS GP outside of detention to ensure continuation of medication and care.
22. We would welcome greater clarity on the above points in this DSO.
23. Whilst Detention Action and AFJ welcome the change in language in this DSO we would like to see further procedural clarity in regards to ensuring safe release for everyone leaving an IRC and greater detail regarding continuation of medication and medical care. We would also like to see more training in place for IRC staff to ensure that the content of this DSO is applied at ground level.

Please do not hesitate to contact me if you would like me to clarify any of the points raised, or if we can in any way further assist this consultation.

Yours sincerely,



Sophie Coker  
Senior Advocacy Coordinator  
Detention Action.

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