

Sajid Javid MP
House of Commons
London
SW1A 0AA

Thursday 13th June 2019

Dear Sajid Javid MP,

Congratulations on your candidacy to be Leader of the Conservative Party and consequently Prime Minister of the United Kingdom.

We are a group of the leading human rights, migrant, HIV and LGBTQI+ organisations in the UK, and we are writing to ask you to pledge your support for the growing cross-party consensus in favour of a strict statutory time limit on immigration detention.

We acknowledge that if you are successful in your campaign for the leadership, you will be facing a large number of pressing issues and demands on your time. We believe, however, that indefinite immigration detention represents one of the most egregious injustices in the UK today, and benefits no-one, certainly not the taxpayer. Indefinite detention has been described in the higher courts as a “dramatic constitutional innovation” which is “unprecedented in peacetime”¹. This year, both the Home Affairs Select Committee (HASC)² and the Joint Committee on Human Rights (JCHR)³ have called for significant reform of the immigration detention system, including the introduction of a 28 day time limit and automatic judicial oversight of decisions to detain.

We would like to draw your attention to the progress of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill, and to ask you to add your support to amendment clauses NC 1-4⁴. If passed, these clauses would introduce external scrutiny over decisions to detain through automatic bail hearings after 96 hours and a 28 day time limit. This package of measures would establish careful and workable checks and balances on the use of immigration detention, allowing the Home Office to use its detention powers in line with its stated policy while ensuring that detention is used sparingly and for the shortest period possible.

The amendments are already supported by over 80 MPs including a significant number of your Conservative colleagues, such as Andrew Mitchell, Caroline Spelman, Crispin Blunt, David Davis, Dominic Grieve, Henry Smith, Maria Caulfield, Pauline Latham and Steve Double. In addition, the amendments have received the support of the Labour, SNP, DUP, Liberal Democrat, Plaid Cymru, Change UK, Green frontbenches and several Independent MPs. The amendments also have the

¹ *Secretary of State for the Home Department v Pankina and other actions* [2010] EWCA Civ 719

² *Immigration Detention* (14th report of session 2017-19), Home Affairs Select Committee - <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/913/91302.htm>

³ *Immigration Detention* (16th report of session 2017-19), Joint Committee on Human Rights - <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/1484/148402.htm>

⁴ *Consideration of Bill (Report Stage) – Immigration and Social Security Co-ordination (EU Withdrawal) Bill* https://publications.parliament.uk/pa/bills/cbill/2017-2019/0309/amend/immigration_rm_rep_0606.pdf

backing of over 40 organisations, including the Equality & Human Rights Commission, Stonewall and the National AIDs Trust.

The Bill itself ends freedom of movement for over 3.5 million EU nationals. Without the amendments, the Bill could have serious ramifications for the scale of immigration detention in the UK, increasing dramatically the number of people detained unnecessarily and risking another Windrush-style scandal. Even a small error rate in the implementation of the EU Settled Status Scheme would see hundreds of thousands of people liable to immigration detention for the first time. This would run directly contrary to the Government's stated policy of reducing immigration detention.

We believe the UK's present policy of detaining people under immigration powers with no time limit to be contrary to the Rule of Law, degrading and damaging to individuals and families, wastefully expensive and ineffective in practice. In the majority of cases, those held in detention are released back in to the community and the system is currently costing over £100 million in total every year. A recent report by Cambridge Econometrics estimated that a 28 day time limit would yield long term cost savings of £55-65 million each year.⁵

The UK has a proud history of protecting fundamental rights and universal values, and of standing for justice, fairness and equality under the law. We believe that these values transcend political allegiances, even in these deeply divided times, as shown by the cross-party nature of the call for a time limit. These principles are vital to the UK's standing and credibility on the world stage. Ending indefinite immigration detention for all would be a powerful signal of commitment to this tradition.

We would be very happy to meet with you to discuss this further, or provide with you any additional information that may be of use.

Yours sincerely,

Bella Sankey (Director) – Detention Action
Nicolas Hatton (CEO) – the3million
Mia Hasenson-Gross (Executive Director) - René Cassin
Matthew Hodson (Executive Director) - NAM
Ruth Jacobson (Chair) – The Verne Visitors Group
Nina Rathbone Pullen (Partner) - Wilsons Solicitors LLP
Deborah Gold (Chief Executive) –National Aids Trust
Siobhán Lanigan (Chief Executive) – The Food Chain
Leila Zadeh (Executive Director) - UK Lesbian & Gay Immigration Group
Dr Fred Ashmore (Detention Representative) - Quaker Asylum and Refugee Network
Anna Pincus (Director) - Gatwick Detainees Welfare Group
David Herd (Coordinator) – Refugee Tales
John Skipworth (Chair) - Liberal Democrats for Seekers of Sanctuary
Satbir Singh (Chief Executive) – Joint Council for the Welfare of Immigrants
Martha Spurrier (Director) – Liberty
Natasha Walter (Director) - Women for Refugee Women

⁵ *Economic impacts of immigration detention reform*, March 2019, Cambridge Econometrics commissioned by Liberty – available at:

https://www.libertyhumanrights.org.uk/sites/default/files/Immigration-detention-reform_Final-report.pdf

Rami Ghali (Chief Executive Officer) - Brigstowe
Maurice Wren (Chief Executive) – Refugee Council
Marta Welander (Executive Director) - Refugee Rights Europe
Freed Voices

