

Response to Parliamentary Inquiry into the use of immigration detention in the UK, hosted by the APPG on Refugees and the APPG on Migration

September 2014

North-East Community Submission

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Introduction

1. *This submission contains the views and experiences of members of communities in the north-east of England who either have direct experience of detention or come from a family or community affected by the UK government's detention policy.*
2. *We came together on the 24th September 2014 in Middlesbrough and on the 25th September 2014 in Newcastle to share our experiences of detention. The sessions were hosted by the Regional Refugee Forum North East (an independent membership organisation for 65 refugee-led community groups working across the region) and Detention Action.*
3. *All of the participants in our group supported the submission of this paper, which has been drafted by Detention Action on behalf of our group.*
4. *When drafting this submission we were forced to cut out a lot of material in light of the Inquiry's word-count guidelines on submissions. Everybody present was encouraged to submit accompanying individual testimonies.*
5. *It is important to say that whilst we welcome this Inquiry and include recommendations in this submission as to how the current system could and should be improved, we believe detention should be ended as a government policy. Detention ruins lives and serves no purpose.*

Conditions in Detention

6. Conditions in detention are **unhygienic**:
"I was released from Brook House last week. I had to share a room with others and there was a toilet in our room. It had no door, no separation from the rest of the living area. You can be eating your dinner and there is a man there, opposite you, going to the toilet. There is no window so the smell can be horrible." "Sometimes you are mixed with smokers."
7. The **physical environment** of detention centres is both restrictive and oppressive:
"First of all we are often in old prisons, and I am treated like a prisoner even though I have done nothing wrong. The walls, the locks, the guards...everything is telling me I am a criminal. From my window, the only thing I can see are birds and planes departing people. How do you think I feel seeing this? It has a huge impact on your head."
8. There is restricted **freedom of movement** in detention centres:
"In Colnbrook, you have only 15 minutes to exercise. You give an animal more time outside to run about."
9. The lack of assessment before individuals are allotted rooms means there are often **problems with shared living quarters**:
"I feel everybody needs private space, especially at bedtime and especially for me with my past experiences of abuse. When they put you in a room with other people they don't check your mental state or the other people. I would wake at night and shout, have nightmares. It was very difficult for me to stay there with other people."
10. The **lack of privacy** in detention is a serious concern in general but especially in Yarl's Wood Immigration Removal Centre (IRC), where there is little/no appreciation for gender sensitivity:
"In Yarl's Wood, there are lots of male staff and some do not respect your privacy. When they do the count, you might not even be dressed and they just bang on the doors. They come in. When you were in the shower, they stand at the door and look through."
11. Many of the **staff in detention centres** behave **unprofessionally** and do not treat those in detention with **dignity or respect**:

"If the guards don't understand your language they say, 'You don't speak English? This is the UK, what are you doing here?' Once I was told to interpret by the guards for a person who came into detention but was ashamed to interpret all the things the officer was saying because they were so insulting." "When I was transferred from Morton Hall to Harmondsworth, the two detention centre staff kept us for over ten hours - no food, no water - just sitting in a room. The two officers just played about. They openly laughed at me. They mocked me. They wanted to make me feel helpless, like a child."

12. **Segregation and isolation-cells are often unjustly used** to 'punish' those in detention with little consideration for the impact this has on the mental health of individual:
- "Detention destroyed my brain. I tried to hang myself. Instead of helping me, they locked me up in segregation. It made it worse. I was put in isolation as a punishment. I needed help, not punishment! They know I wasn't well but instead of sending me to a hospital they just banged me in the cell." "If you argue with the detention-centre staff, they tie your hands, they tie your legs, and they put you into Kingfisher (isolation unit in Yarl's Wood). They use it to threaten you so you don't say anything."

Recommendations

- Shared rooms should be subject to a risk assessment process which takes into account both health and safety considerations for each individual, and cultural, religious and linguistic differences;
- There should be no male staff employed in roles where they come into contact with women detainees at Yarl's Wood.
- Detention centre staff should receive training co-facilitated by individuals with direct experience of detention in order to improve awareness of the impact detention can have and the implications for Home Office processes.

Access to Justice in Detention

13. **Restricted access to legal aid** is a serious barrier to justice in detention:
- "I was given removal directions and then told that the next opportunity I could see a solicitor was in two weeks' time, a few days after the date of my flight ticket. For me, this is everything you need to know about access to justice in detention."
14. The **poor quality and/or lacking commitment of those available legal aid solicitors** often undermines or jeopardises access to justice in detention:
- "Whether they win your case or not, these legal aid solicitors get their money. So the commitment is not there. In my case, I was actually doing his job for him. Twice he represented me at my bail application and twice I was refused, and I was sure it was due to his incompetence. Then I decided to do it myself and I was released. The *quality of legal aid was so bad it was better to represent myself.*"
15. **The Detained Fast Track (DFT) is inherently unfair:**
- "There is no justice on DFT. They put you a fast track, in two days they make a decision. They haven't done their background check and within a few weeks they are done with the whole process. That is not a fair trial. It is scary to see something like this in the UK." "Fast track is very traumatising. They say no to your case and you can't even get any evidence

while you are inside. You don't know all these laws, no one helps you. Solicitor drops you. What can you do anything about it?"

16. Those individuals held in **prison under immigration powers** following completion of a criminal sentence face **extraordinary barriers to accessing their rights**:

"People who are in prisons, they find themselves in a much harder situation. Never mind fax, never mind access to advice, you have access to nothing. You could be there 4 or 5 years and there's no way out." "The prison staff are only trained to deal with prisoners, they don't know anything about immigration. You're just dragging yourself deeper and deeper. There is no way to push your case forward. The legal aid stopped, there is nothing I could do, I'm just sitting in a cell. You just feel hopeless."

Recommendations

- The Detained Fast Track should be abolished;
- Once a migrant has completed their sentence they should either be immediately released, transferred to an IRC or, if absolutely necessary, moved to a separate wing of the HMP where they have full access to services afforded those in detention;
- The Home Office should provide information to those held in prison under immigration powers and those held in IRCs to enable them to fully and effectively engage in the immigration process. This information should be reviewed by an external panel of individuals with direct experience of detention to ensure it is comprehensible;
- Individuals should have access to a solicitor as part of their induction process;
- Legal aid solicitors should be subject to regular unannounced inspections from a independent evaluator and those in detention should be able to access their performance records;
- Under no circumstances should an individual held in detention be forced to represent themselves alone in court or, if they do not speak English, without access to an interpreter they have approved;
- All individuals held should have access to, and adequate time with, good quality, properly funded, legal representation throughout their time in detention.

Access to Healthcare in Detention

17. Healthcare in detention differs from centre to centre, but often suffers from **poor quality of staff** and a **lack of resources**:

"We would call it 'hell-care' it was so bad." "My husband was 75kg when he went into detention and 56kg when he came out three months later. He had severe kidney and liver damage and he received almost no help. No medication was made available in the time he was there." "There are not enough staff members, maybe two or three nurses, one or two doctors...and that's for the whole IRC. For hundreds and hundreds of people."

"Even if you are dying, the most they will give you will be paracetamol."

18. When **transferred between detention centres, individual's medication and/or healthcare plans are often 'misplaced'**:

"When I arrived in Morton Hall, they gave me medicine for my stomach. When I moved to Harmondsworth, they lost my medication. I went to the healthcare and begged for an appointment so that I could have my treatment. They said I could only have one in two

weeks' time. I told them my ticket was earlier than that! They said: 'Tough luck.'

19. The **culture of disbelief** in healthcare reflects the **conflict of interest** between providing medical assistance to those in detention and the Home Office's objectives:

"I was pregnant and I felt sick so I wanted healthcare to take my blood pressure, but they said that you need a reason to see the doctor. I went to the shop to get something for my throat, but in the queue I collapsed. I had had a removal ticket stopped that morning, and when the centre manager came over to me I could hear him shouting: 'Your removal ticket has been cancelled. You can get up.' He was thinking I was faking it." "If you get a ticket then there is no chance they will help you with my medical issues. They will reject and ignore any healthcare requests, it does not matter to them."

20. **Rule 35 does not work:**

"Detention is full of vulnerable people. I saw people in wheelchairs, on zimmer-frames, pregnant women, older women. There was an old woman they brought in at 3am. She could not get out of bed and had soiled herself. Her room-mates had to help her out. She should never have been there." "The system failed me. I am a survivor of torture with 263 different individuals' scars on my body. I was transferred to many different detention centres and each one gave me a Rule 35. Why was the first one not enough?" "The doctor wrote my Rule 35. He wrote a long description of my torture. Lots of pictures, lots of diagrams, lots of descriptions. He said 100% this man has been tortured and should not be in detention. The Home Office rejected it directly. They said it was lacking independent evidence. What can I do? I can't make a complaint - it will count against me. If the doctor can't prove I am a survivor of torture and should not be there, then who can?"

21. There is **little appreciation for gender or cultural sensitivity** in healthcare in detention:

"At Yarl's Wood, I asked to see a female doctor or a female nurse because I had a particular problem. They asked me what the problem was and if it was so bad why could I not just see a male doctor? I told them, I could not speak to a man about these issues and from that they should be able to acknowledge what kind of a personal issue this was. They ignored me."

22. **Handcuffing** the sick or the ill when they have an external hospital appointment **criminalises individuals in detention:**

"I missed three external appointments because every time it was arranged they put handcuffs on me and I asked why. I am not a criminal. In this context, I am a patient. Treat me with some respect."

Recommendations

- People entering detention should always be medically assessed by healthcare within the first twelve hours;
- Health services in detention should be made completely separate from the immigration process;
- There should be independent inspection of the operation of the Rule 35 procedure;
- The detention of the mentally ill, those with serious medical conditions, those who have been tortured, and pregnant women, should be prohibited;
- The gender, cultural and religious differences/preferences of those in detention should be respected by healthcare staff;
- Under no circumstances should an individual in detention be handcuffed when being transferred to hospital for a medical appointment;
- There needs to be continuity of care between detention centres and follow-up appointments in the community and medical records following a transfer from centre to centre.

Emotional Impact of Detention

23. **Detention creates mental health issues:**

“You are meeting people who are crying all the time, people behaving strangely... It’s not that they want to do it but because of the situation - the pressure, the anxiety - all these things add up and you are like a different person. You end up like a headless chicken. It’s really sad. I can't explain, there is no dignity there.” “I went mad in detention. I started to doubt myself, thinking I had done something wrong. I tried to commit suicide in there several times.”

24. The **lack of a time limit** exacerbates deterioration in mental health:

“You feel isolated and the stress of the whole scenario is too much because you don’t know whether this is going to finish or what is going to happen next.” “Not knowing how long you will be in detention is very traumatising. You cannot plan or look forward to anything. The trauma leads to fear, which leads to depression, which leads to anxiety. It destroys your mind.”

25. For those **individuals with existing trauma or mental health issues, detention provoked re-traumatisation, flashbacks and suicidal ideation:**

“I am a victim of torture. I never thought that, having been through physical torture, I would go through anything harder in my life. But detention broke me. The difference between my experiences of physical torture and detention are that I always knew my physical torture would end. But in detention, it is ongoing. I always plays on your mind - when will they try and deport you again, when will you see your family. Detention is harder than physical torture. And it never ends, even when you are out. It doesn’t matter what medication or counselling I take. Even now, I am now in total depression, on seventeen different kinds of medication.” “Detention has made my original experience of torture worse. My PTSD increased whilst I was in detention and now I have panic attacks. I’m not able to recover from my torture or my detention experience. The system that is meant to protect me has failed me.”

26. The effect of detention on mental health impacts their ability to engage with the immigration process:

“When you are feeling so low, so depressed, when you have serious mental health issues because of detention, then it affects your ability to work on your case and fight for your rights. You forget court dates, you don't trust anyone, even your solicitor or visiting groups. You confuse your story, you get in fights. Ultimately, your claim suffers. It is a vicious cycle.”

27. The existing mechanisms for support inside detention are inadequate:

“You can't trust counselling services in detention. They are part of the Home Office. They will use what you say against you. I had one session and it made me feel even more uncomfortable.”

28. The impact of detention does not end when you are released:

“The act of murder happens in detention, but you actually die outside” “Even now, I am not really out of detention. It is still with me. Every night I think of Harmondsworth. I have flashbacks.” “I don't trust anybody now. I feel like people are bullying me every day. I feel angry and upset at people and this is not me.” “I have lost all my confidence. Detention made me powerless. It reduced my personality and robbed me of my dignity. I felt like a new-born baby when I was released.” “When I left detention, I went to my GP. I felt someone was following me the whole time. I was too nervous to go out of the house. Sometimes when I sleep I have flashbacks. When I go to my reporting, I am so scared they will re-detain me. I had to ask someone to come with me.”

29. Detention goes beyond the individual – it devastates families and communities:

“Sometimes someone goes to the reporting centre and then whoosh! they disappear. Your brother, husband, friend, daughter... just gone. Can you imagine the impact of that on my family? It is very difficult for all of us, and the lack of information makes it even more difficult to deal with the situation.” “My husband was detained. It doesn't just change a person, it transforms them. Now he sleeps all day. He cannot remember anything. He is not himself. I don't know what to do.” “I have a daughter. She has now been adopted by another family because I have been in detention so long. I was in court fighting for custody whilst I was in detention. Now I have to sleep in a shelter and I have no access to her. Detention broke my family apart.”

30. There is not enough support - financial or emotional - for individuals who have experienced detention and are released into the community:

“I was heavily pregnant when I was released, 7 months on. I did not know anybody outside of detention so they didn't have an address to bail me to. They just dropped me outside the station with all my luggage and that's it. They just said 'go, you are free'. I don't know where I am. I don't know what train to get. I can't just say 'I was in detention, please help me' because people will think I am a criminal. I was totally out of my mind. I was so scared. I had no food, no water.” “I was there for years in detention. I am institutionalised, I know it. Now no-one helps me with that grief. I have got to process everything that was done to me on my own. It's impossible. I have lost everything.”

Recommendations

- There must be a time limit on detention;
- There should be an end to the separation of families by immigration detention;
- Following release from detention, individuals should be given structured emotional and practical support to assist their integration into society;
- There should be increased support for specialist organisations so they are able to offer counselling for those being released from detention;
- Following release from detention, individuals should be granted the right to work;
- Instead of detention, the UK government should assess individuals' cases in the community.