

Bail for Immigration Detainees (BID), and the  
Refugee Women's Resource Project (RWRP)  
@asylumaid

# 'They took me away'

women's experiences of immigration  
detention in the UK

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"I am a woman. I have been beaten in England, detained in a country in Europe. I don't even have the strength to defend myself and white people beat me up like that, in a country where there is a rule of law."

J. interviewed on 13 February 2004, after her release from nearly 25 weeks in detention. Before she was detained, she was having psychiatric treatment following her experience of torture and persecution in her home country.

"Brutality, racism, violence and sexual harassment are not uncommon but even on a day-to-day level a regime of deprivation and petty rules dictate that women are frequently denied basics such as a change of clothes, sanitary towels and nappies for their children. Women complain of being left for weeks cold, hungry, isolated and without medical attention or interpreting help."

Women Against Rape and the Black Women's Rape Action Project on women in detention

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## summary of report

- Thirteen women seeking asylum in the UK agreed to be interviewed to share their experiences of detention.
- The great majority came from an African country and the majority were aged between 20 and 29 years.
- Some fled gender-related persecution (such as female genital mutilation, forced marriage, rape and trafficking) whilst others had fled gender-based abuse in the context of imputed political opinion or a country embroiled in civil war.
- Almost all had voluntarily made contact with immigration authorities for the purpose of seeking asylum: being detained in response was a profoundly shocking and disruptive experience.
- The women were detained for periods ranging from just a few days in two cases only to over 83 weeks in two cases. Eight out of 13 spent several months or much more in detention.<sup>1</sup> The Home Office commonly cite the need for detention in order to affect removal and to prevent absconding. Yet despite lengthy periods of detention in the majority of cases, removal from the UK was not the outcome of their detention, even if several women did experience a number of attempts to forcibly remove them. Only one was successfully removed but the others remained to tell us that they experienced a disproportionate use of force and violence in the process. Their accounts do not suggest that serious attempts were made to employ alternatives to detention or to keep detention to the shortest period necessary.
- The women we interviewed were clearly upset and traumatised by their experiences of immigration detention in the UK. They suffered fear, uncertainty and a profound sense of injustice and bewilderment.
- They were often unable to exercise their legal rights or secure legal representation to challenge their detention. They were not able to find out what was happening in their case and did not feel that their rights and entitlements had been explained in a language they could understand.
- Some were unable to address their physical and mental health needs whilst in detention, and in some cases, detention exacerbated existing physical and mental health problems.

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<sup>1</sup> The lengthiest period of detention took place for women who eventually made a 'voluntary' departure from the UK.

- In addition, their daily life during often prolonged periods in detention were characterised by frequent moves between centres and an overriding sense of frustration and depression.
- Activities that were provided were not taken up and the institutionalised regime for food and other activities left women feeling like criminals without control over meeting their basic needs, including for those pregnant or with young children.
- The women who got out of detention and went back to live in the community continued to experience a fear of being re-detained and lived under the shadow of the ultimate fear of being removed from the UK.

Both the account of the experiences of detention narrated in this report and the existing research available suggest that guidelines for immigration detention contained in the Home Office instructions, the Operational Enforcement Manual, and the statutory Detention Centre Rules are not followed in many cases.

We therefore strongly urge the government to make fundamental changes to the legal framework for detention in order to comply with domestic and international human rights norms.

We also strongly urge the government to adhere to existing guidance and rules in order to fully meet women's needs in their predicament both as women asylum seekers and women held in detention.

Lastly, we recommend that the use of immigration detention be considered in the wider context of the need for changes in the asylum system which address the quality of Home Office decision-making and improved country information; without this people who should be given protection in the UK will continue to be detained and experience further trauma and bewilderment, similar to what the women in our research have so vividly and painfully described.

# introduction

"Freedom from arbitrary detention is a fundamental human right, and the use of detention is, in many instances, contrary to the norms and principles of international law." UNHCR Guidelines on applicable Criteria and Standards relating to the Detention of Asylum Seekers (1999)

## Background to the research

Detention of asylum seekers and migrants has been a part of the UK government's response to immigration for several decades. The number of detention places has increased from 250 in 1993 to nearly 2000 by 2004.<sup>2</sup> The shifting rationale for detention now goes beyond a fear that people will abscond if they are not locked up. Increasingly, the justification for deprivation of liberty is the very act of seeking asylum, as people's cases are 'fast tracked' whilst they remain detained.

The government is now vigorously pursuing the removal of 'failed' asylum seekers, with targets set for removing a greater number of women and children.<sup>3</sup> As a result, more women and children are being detained, with policy now allowing for families to be detained for longer periods.

To reflect this emphasis on removal, the government legislated in 2002 to change the name of detention centres to removal centres. However, many people are detained who are not imminently removable; young people whose age is disputed by the immigration service and people who have not yet received a final decision on their claim to remain in the UK are detained alongside people who cannot be returned because of travel document problems or a dispute over nationality.

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<sup>2</sup> For latest statistics on detention see [www.homeoffice.gov.uk/rds/whatsnew1.html](http://www.homeoffice.gov.uk/rds/whatsnew1.html).

<sup>3</sup> A May 2003 memorandum from the union representing immigration staff, the Public and Commercial Services Union (PCS), to the Home Affairs Committee Inquiry into Asylum Removals states that "*The media focus on failed asylum seekers and the resultant "government imperatives" has led to the removal of families being prioritised whilst offenders, sometimes violent criminals, remaining [sic] untouched. This ordering of business is largely a "business" decision, in that families deliver huge cost savings in asylum support, compared to the negligible savings from removing single males. Immigration Service staff are under pressure not to investigate non-asylum offenders... The enforcement arm of the department operates largely in a policy vacuum. No national policy is in existence for the newly formed arrest teams. There has been an increase in family removal activity yet no national guidelines have yet been produced. The pressure for instant results appears to subvert the normal rules of policy making and implementation.*" Internal Immigration Service documents seen by BID reveal a government target of removing 160 families a month.

A UNHCR study suggests that the UK detains more people for longer periods and with less judicial supervision than any comparable country in Europe.<sup>4</sup> The UK's use of detention has been criticised by a number of domestic and international bodies. A number of reports of inspections of removal centres have documented failings in the policy and practice of immigration detention, and have made recommendations for change. Many of these recommendations have been rejected or have not been put into place. A serious fire at the 'flagship' removal centre, Yarl's Wood, in February 2002 and a serious disturbance and fire at Harmondsworth removal centre in July 2004 have raised further questions about the safety of detainees and workers at the centres.

The use of detention is only one element of an approach to asylum seekers and migrants that is characterised by control and distrust, despite the fact that there has been no research into the numbers who lose contact with the immigration authorities. This approach underpins policies of forced dispersal, accommodation centres, biometric asylum registration cards and tagging.

The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 introduces powers to electronically monitor any adult who is subject to immigration control, regardless of whether they would otherwise have been detained.<sup>5</sup> The Act also introduces new criminal offences, punishable by up to two years in prison, for failure to present valid documents when claiming asylum, and for failing to cooperate with any action necessary to re-document a person for the purposes of removal.<sup>6</sup>

Accommodation centres, the first of which has now received planning consent at Bicester, will provide a semi-secure environment that will restrict freedom of movement and limit contact with local communities. Continued support is dependent on remaining in the centre.<sup>7</sup>

The voices of the people affected by detention are seldom heard in the debate about immigration detention and a broader system of control. Detainees are forcibly physically separated from the outside world. As a result, their rage, bewilderment and shock at what is happening to them remains largely hidden.

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<sup>4</sup> Institute of Public Policy Research, 'Asylum in the UK: an IPPR fact file', IPPR 2003, p. 29, with reference to UNHCR (2000) 'Reception Standards for Asylum Seekers in the European Union', 2002.

<sup>5</sup> Section 36, 'Asylum and Immigration (Treatment of Claimants, etc.) Act 2004', HMSO at, [www.hms.gov.uk/acts/acts2004/20040019.htm](http://www.hms.gov.uk/acts/acts2004/20040019.htm).

<sup>6</sup> Section 2, A & I Act2004 Act makes it a criminal offence not to have documents demonstrating identity and nationality without good reason. Section 35 of the 2004 Act requires applicants to cooperate with the removal process and makes non-cooperation a criminal offence.

<sup>7</sup> "Residents would be subject to a residence requirement and would not be offered alternative forms of support. There are some concerns about the risk of institutionalisation which such centres would involve, if asylum seekers (and particularly their dependent children) are compelled to reside there in the face of reasonable alternatives...under a rigid regime which prevents them from leaving the centres without good reason. Such a regime makes these accommodation facilities detention centres in all but name." See Baldaccini, A., 'Providing Protection in the 21<sup>st</sup> Century - Refugee rights at the heart of asylum policy', Asylum Rights Campaign, London, 2004, p. 73.

When the people who are locked up speak out, we learn about the vast gap between policy and practice of immigration detention. We hear stories of unnecessary, arbitrary, lengthy and disproportionate detention at great human cost to the detainee and their families.

The women who agreed to be interviewed for this research shared their experiences and their opinions on the policy of detention. We are grateful to them for speaking out, and we believe that their experiences are shared by large numbers of women asylum seekers and migrants in the UK every year.

Our aim is to raise awareness of the realities for detained women and to challenge the government's justification for using detention. We demand an end to the practice of locking up women, men and children without respect for their basic rights, and without automatic access to an independent review of their detention.

### Research aims and objectives

The main aim of this research is to share women asylum seekers' experiences of immigration detention in the UK. The women interviewed had all been detained or were in detention at the time of the research.

The research was jointly completed by Bail for Immigration Detainees (BID) and the Refugee Women's Resource Project (RWRP) at Asylum Aid and constitutes another contribution to the body of research on the experiences of women asylum seekers in the United Kingdom (see appendix 2: list of references for previous publications).

It is the position of Asylum Aid and BID that asylum seekers in general should not be detained. Although this research aims to describe women's experiences of detention in their own words, it also aims to challenge the decision to detain them in the first place. The objectives of the research were:

- To collate sociological information on women asylum seekers in detention in the UK including location, reasons for detention, length of detention, circumstances of asylum application, asylum stage at time of detention, etc.
- To collate information (mainly through existing publications) on the conditions of detention in the UK including issues concerning access to legal representatives, access to bail hearings, communication with family, safety, removal conditions; and the implications of detention on asylum claims.
- To interview a number of women asylum seekers in the UK willing to speak about their experience in detention, including issues relating to their conditions of detention, safety, communications with family and lawyers, understanding and use of bail, etc. The original target was to interview between 10 and 15 women during a four month period.

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- To interview a small number of people with relevant experience of working with women in immigration detention.
- Based on the information collected, to assess whether the interviewees' detention was compatible both with the Home Office rules (the Operational Enforcement Manual and the Detention Centre Rules)<sup>8</sup> and with international standards/guidance on detention of asylum seekers, and international human rights law.
- To produce recommendations and examine alternatives to detention on the basis of the research findings.

The research does not include women asylum seekers detained in prison facilities.

## Research design and methods

### a. Selection of participants and constraints

The information on which this research is based was collected through in-depth interviews with 13 women during the period October 2003 – May 2004. The original target number of women to interview was mostly restricted by time constraints. The interview period was extended by four months due to circumstances unrelated to the research. This resulted in the overall timescale for the research being adjusted.

There was no sampling used to select women to be interviewed, the main reason being that the Home Office does not publish data specific to women in detention that would provide baseline data for the sample.

Due to the specific remit of RWRP, the only selection criterion was that the women interviewed be asylum seekers or refugees.

Potential participants in the research were identified through Bail for Immigration Detainee's caseload and through contacts with organisations working with detained women, some of whom acted as gatekeepers, i.e. selecting detainees they thought were suitable for the research (excluding for instance detainees or ex-detainees they felt were too vulnerable).<sup>9</sup> Some women were identified through Asylum Aid's caseload. Potential participants

<sup>8</sup> Home Office, *'Operational Enforcement Manual'*, HO Immigration and Nationality Directorate, May 2002 at [www.ind.homeoffice.gov.uk/ind/en/home/laws\\_policy/policy\\_instructions/oem.html](http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/policy_instructions/oem.html) (see in particular Chapter 38, 38.1.1.1 Article 5 of the ECHR, also available on AVID's (The Association of Visitors to Immigration Detainees) website at [www.aviddetention.org.uk/38.1.0.htm](http://www.aviddetention.org.uk/38.1.0.htm)); 'Statutory Instrument 2001 No. 238 The Detention Centre Rules 2001', Queen's Printer Acts of Parliament, [www.legislation.hmso.gov.uk/si/si2001/20010238.htm](http://www.legislation.hmso.gov.uk/si/si2001/20010238.htm).

<sup>9</sup> This included campaign and visitor groups, Women Against Rape and the Black Women's Rape Action Project at Crossroads Women's Centre and through personal contacts with detained women or women previously detained.

were usually contacted first by telephone to seek their consent for participating in the research. The aims of the research and the work and remit of BID and Asylum Aid were explained to them in a language they could understand well (English or French). Potential interviewees were also assured that the information given would be anonymised in the final report.

Several women declined to be interviewed or did not respond to our request made by telephone. Not all women initially identified were eventually interviewed, as in some cases they were deemed to be too distressed or their personal circumstances too precarious to ask them to take part in the research. For instance, the researchers had knowledge of a woman who had been recently released from detention but whose child had been taken into care whilst she was in detention and she was still trying to be reunited with them.

Five women were interviewed whilst still in detention at Yarl's Wood (up to November 2003), three of which were face-to-face interviews and two by telephone.<sup>10</sup> The face-to-face interviews in Yarl's Wood detention centre were made difficult by the fact that it was not possible to bring in a copy of the full questionnaire. Each side of paper is searched by Detainee Custody Officers and the researchers went to see the women as visitors. The researcher had therefore to memorise the main questions, and then follow up on specific points by telephone where necessary.

The remaining interviews took place at a location chosen by the women in and outside of London, and for at least six of them, the interview took place shortly after their release from detention.<sup>11</sup> Travel costs were offered if the women preferred to meet in a public place at travelling distance from their homes.

Time restrictions also had an impact on the location chosen for the interviews. For example it was initially envisaged that the researchers would travel to Dungavel to carry out a number of interviews in a number of days but this was did not occur for practical reasons.

However it emerged that many of the women interviewed had been moved between several detention centres, including Dungavel, which meant that we were able to obtain a picture of their experiences in various locations.

## **b. Questionnaire details**

The questionnaire used was semi-structured with a focus on the following themes encompassed in 47 main questions (in some cases, sub-questions were used when relevant/deemed appropriate):<sup>12</sup>

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<sup>10</sup> Interviews by telephone were only used as a last resort as it was found that it was more difficult for the women to feel at ease and take time to provide their account standing by the telephone facility in the detention centre

<sup>11</sup> The information is not available in two cases.

<sup>12</sup> A copy of the questionnaire used can be found in Appendix 1.

- Experience of detention: arrival, duration, conditions, understanding
- Access to legal advice and representation in detention
- Knowledge about bail/ability to challenge detention
- Access to and quality of health care provision
- Communication with family/relatives outside detention
- Food/nutrition
- Safety and ill-treatment
- Well-being issues in detention and post-detention
- Women's views on the reasons for their detention and alternatives to detention

The researcher made clear that the women had no obligation to answer all the questions asked if they did not wish to (which is partly why there are gaps in the information collected). They were also clearly informed that the interview would be anonymised in the writing of the report. Due to time restrictions, a pilot exercise was conducted with only one asylum seeker (who had been in detention but had since been released).

Besides the standard options available when using semi-structured interviews (questions omitted, order changed, etc.), in a handful of cases, the interviewer found that it was not practically possible to use the questionnaire as initially designed due to time limit on availability of interviewees and location. Instead she used a reduced number of questions to conduct the interview which resulted in some gaps in the information gathered. In other cases, the women became so upset during the course of the interview that some questions that were deemed to trigger further distress were deliberately avoided.

In one case the interviewee had, on her own initiative, narrated her story in 'one go'. Her narrative covered the great majority of the issues raised in the questionnaire, if not in the same order, providing a very powerful account of her detention in the UK as well as other related events such as her reasons for fleeing her country.

Lastly, some women were very prolific in providing their account whilst other women were more reserved and economical, resulting in discrepancies in the amount and quality of information collected.

In addition to interviews with women who had been in detention or were still in detention at the time of the interview, semi-structured interviews were conducted with a small number of people who had been working/supporting asylum seekers in detention in various capacities. Interviews were conducted with two legal representatives, two members of visitors' groups and two members of the medical profession<sup>13</sup>. In addition, comments were made by

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<sup>13</sup> Interviewees were: Zoe Upcraft, Immigration Advisory Service Caseworker, Liz Barratt, solicitor at Bindman and Partners, Emma Ginn, Campaign to Stop Arbitrary Detention at Yarl's Wood, Pascale Noel, Gatwick Detainee Welfare Group, Dr Gill Hinshelwood, the Medical Foundation, Dr Christina Pourgourides, author of research on mental health and member of HMIP inspection



workers at Women Against Rape and the Black Women's Rape Action Project during interviews with two women who had been detained. These comments were followed up by email due to time constraints which prevented a full interview from taking place. The questions asked were amended to reflect the particular experience of the interviewee.

## Structure of the report

**Section one** presents an overview of the current context regarding women in detention.

**Section two** is a summary profile of the thirteen women interviewed for this research including basic facts around their detention.

**Sections three to eleven** cover the main issues raised during in-depth interviews with the thirteen women as well as with organisations, individuals and professionals with relevant experience in this field.

An overall **conclusion** and **BID/RWRP's recommendations** follow and the report is completed by four **appendices** which include details of the questionnaires used; list of organisations, individuals and professionals interviewed; list of references and online resources and list of useful contacts.

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teams. Short, semi-structured interviews were also carried out with Sian Evans and Cristel Amiss of Women Against Rape and the Black Women's Rape Action Project.

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# section one

## context of women in detention

### 1.1 Where women are detained

Women detained by the UK Immigration Service can be held in a dedicated removal centre, a 'reception centre', a prison, a short-term holding facility or a police cell.

There are around 2000 spaces in immigration detention, and a total of nine immigration removal centres in the UK. At July 2004, women asylum seekers and migrants could be held at four centres; Tinsley House Removal Centre (near Gatwick airport in London), Yarl's Wood Removal Centre (in Bedfordshire), Dungavel House Removal Centre (in Lanarkshire), and Oakington Reception Centre (in Cambridgeshire). A number of criminal prisons also hold women solely under Immigration Act powers. There are no purpose-built, dedicated immigration detention facilities for women in Northern Ireland. Women and children detained in Northern Ireland were until recently held at HMP Maghaberry, and in spring 2004 were transferred to HM YOC Hydebanks Wood.<sup>14</sup>

Yarl's Wood detains single women only. Dungavel, Tinsley House and Oakington are mixed centres, and detain women, men and families with children (with one or both parents).

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<sup>14</sup> See Wiesener, C., Corrigan, P., 'Measuring Misery Detention of asylum seekers in Northern Ireland: a statistical analysis 2002-04', Refugee Action Group, Amnesty International, June 2004. "There has also been a marked increase in numbers of female detainees. In 2002/03, 16 of the detainees were male and 3 female. In 2003/04 the number of women in detention increased to 15, which represents a five-fold rise on the previous period, while the figure for men almost doubled from 16 to 30. It remains the case that most detainees are male. The higher number of women is closely related to the increase in the number of asylum seeker couples in detention. Forced to flee, refugees often arrive with their partners and children as the whole family can find themselves in danger of persecution. This brought about the first appearance of children in detention at Maghaberry during 2003. The three infants, two Nigerians and one Congolese, were held together with their mothers. In these three cases, the length of the family's detention lasted between one and three weeks." P. 5.

## 1.2 Official statistics

A snapshot of the profile of immigration detainees is included in the Quarterly Asylum Statistics published by the Immigration and Nationality Directorate (IND).<sup>15</sup> Information is shown for a given day at the end of the quarter and includes total numbers detained, the percentage of whom are recorded as having sought asylum, gender, place of detention, an average length of detention, and nationality. The information available indicates that the majority of immigration detainees are men. At 27 March 2004, for example, 89% of detainees were male.<sup>16</sup> The majority of immigration detainees are people who have sought asylum at some stage. At 27 March 2004, 80% (1330) of immigration detainees (1660) were asylum seekers.

These snapshots are of limited value as they indicate neither the total number of people detained over a given time, nor the outcome of their detention (release from detention on bail or temporary admission, or removal from the UK).

Further, official statistics do not provide a breakdown by gender of the categories according to nationality, place of detention or length of detention. In response to a query to IND to inform this report, Research and Development Statistics (RDS) provided a breakdown by gender of the quarterly snapshot taken on 27 March 2004. All figures are rounded up to the nearest five by RDS so the information below is only an approximate guide. The information provided illustrated that at 27 March 2004, approximately 185 women were detained, of whom around 135 were asylum seekers.<sup>17</sup>

### Place of detention (where known)

50 women at Oakington of whom all were asylum seekers

30 women at Tinsley House of whom 25 were asylum seekers

30 women at Dungavel of whom 10 were asylum seekers

60 women at Yarl's Wood of whom 40 were asylum seekers

10 women were detained at unspecified prison establishments, of whom 5 were asylum seekers<sup>18</sup>

<sup>15</sup> See <http://www.homeoffice.gov.uk/rds/immigration1.html>

<sup>16</sup> Previous statistics indicate the same is true for other quarters, for example, statistics for the 1<sup>st</sup> quarter of 2003 show that 80% (1210) of detainees (1355) were male.

<sup>17</sup> The figures presented here are based on statistics provided by the RDS on request, and are compared with the published quarterly statistics for the 1<sup>st</sup> Quarter of 2004.

<sup>18</sup> If a prison holds less than five immigration detainees, the name of the prison is not published. A note has been published by RDS indicating that there has been an undercount of immigration detainees in prison "...A recent assessment of figures supplied by IND on immigration detention has highlighted an undercount of detainees held in prisons. The cases concerned are those immigration detainees who had completed their criminal sentence and been court-recommended

### Length of detention<sup>19</sup>

100 women (54 %) of women in detention on 27 March, had been detained for less than 14 days

30 (16 %) had been detained for 15 to 29 days

25 (13 %) had been detained for 1 month to less than 2 months

10 (5 %) for 2 months to less than 3 months

5 (3 %) for 3 months to less than 4 months

5 (3 %) for 4 months to less than 6 months

5 (3 %) for 6 months to less than a year

5 (3 %) for a year or more

### Nationality<sup>20</sup>

70 (38%) women were from Africa, of whom 55 were asylum seekers  
African countries of origin included Cameroon, Congo, Kenya, Nigeria, Uganda, 'Other'

65 (35%) women were from Europe, of whom 40 were asylum seekers  
European countries of origin included Albania, Poland, Romania, Russia, Serbia and Montenegro, Turkey, Ukraine, 'Other Former USSR'

30 (16%) women were from Asia, of whom 25 were asylum seekers  
Asian countries of origin included China, Pakistan, Sri Lanka

20 (10%) women were from the Americas (Jamaica), of whom 15 were asylum seekers

There were no women from the Middle East recorded as being detained

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*for deportation but were still held in a prison pending deportation. At the end of December 2003 it is thought that there were approximately 200 such cases. This issue is currently being looked into, and any necessary revisions to the regular statistics will be considered once we are satisfied that the issue has been resolved."*

<sup>19</sup> This compares to the following breakdown of duration of detention for male detainees for the same period: 485 (33%) detained for less than 14 days, 225 (15%) detained for between 15 and 29 days, 215 (14%) detained for 1 month to less than 2 months, 140 (9%) for 2 months to less than 3 months, 75 (5%) for 3 months to less than 4 months, 135 (9%) for 4 months to less than 6 months, 125 (8%) for six months to less than 1 year, and 75 (5%) for a year or more.

<sup>20</sup> This compares to the following breakdown of nationality for male detainees for the same period: 490 (33%) from Africa, 300 (20.5%) from Europe, 425 (29%) from Asia, 175 (12%) from the Americas, 75 (5%) from the Middle East, and 5 (0.5%) of unknown origin.

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### 1.3 Conditions and centre management

Removal centres are managed on behalf of the Home Office by private companies.<sup>21</sup> Tinsley House is run by Wackenhut UK Ltd, Dungavel by Premier Detention Services, and Yarl's Wood and Oakington by Global Solutions Limited. Medical services are also contracted out to private companies.<sup>22</sup>

HM Inspectorate of Prisons (HMIP) has statutory responsibility for inspecting removal centres, and the reports of these inspections provide a thorough indication of conditions inside the centres.<sup>23</sup>

The findings of the inspectors show that there are practical problems in the centres which prevent those detained there from exercising their rights, or having their needs met. Sections 6 to 9 of this report considers some of the specific findings and recommendations of HMIP in the context of the experiences of detention described by the women we interviewed.

### 1.4 Why are women detained?

"... only a small number of asylum seekers are detained. They are detained for a reason, either because we cannot prove who they are and are trying to find out, or because we believe that they are likely to abscond pending removal. That is why people are held in detention." Home Office Minister, Angela Eagle M.P, 2002<sup>24</sup>

All people subject to immigration control are liable to be detained under the Immigration Acts.<sup>25</sup> The decision to detain is made by an immigration officer or Home Office official on behalf of the Secretary of State. Detention is administrative, without time limit and does not need to be authorised or sanctioned by a court. When people are detained they are given a tick box form that tells them why they have been detained (the IS91 R). The reasons for detention can include to effect removal from the UK, or to verify identity or pending further examination by an Immigration Officer, or because there is deemed to be a risk that someone will abscond. In addition, asylum claims made by certain nationalities are deemed suitable for fast-track processes and are therefore detained. At two centres in the UK, Harmondsworth and

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<sup>21</sup> Some centres are currently managed by the Prison Service - Haslar, Lindholme and Dover. These centres are not used for women.

<sup>22</sup> Health care is provided by Forensic Medical Services at Oakington and Yarl's Wood, at Dungavel the contractor employs health centre staff directly and at Tinsley healthcare is provided by a local GP practice (Source: HMIP).

<sup>23</sup> Reports published of inspection: Tinsley House (18-20<sup>th</sup> February 2002), Oakington (4-6<sup>th</sup> March 2002) and Dungavel (7-10<sup>th</sup> October 2002). All reports can be accessed at [www.homeoffice.gov.uk/justice/prisons/inspprison/inspectionim.html](http://www.homeoffice.gov.uk/justice/prisons/inspprison/inspectionim.html)

<sup>24</sup> Angela Eagle, MP, HoC, Hansard: Column 431, 24 April 2002

<sup>25</sup> "The Immigration Act 1971, as amended, is where the majority of the statutory powers of detention for those subject to immigration control are set out. The Nationality, Immigration and Asylum Act 2002 extends these powers, in particular by giving the Secretary of State (i.e. the Home Office) the same powers as immigration officers to detain people." See Burham, E, 'Challenging Detention: A Best Practice Guide', ILPA/BID/Law Society, London, October 2003.

Oakington, detention is maintained whilst a decision on an asylum claim is made.

Women are not currently detained in the Super Fast Track procedure where detention is imposed and maintained for the duration of the application and appeals process. Cases of single men that are capable of being decided quickly are deemed suitable for this procedure.

However, women's asylum claims are included in the Non-Suspensive Appeals process and the Fast Track process at Oakington. At Oakington, cases which are certified as 'clearly unfounded' will only have a non-suspensive appeal – that is no appeal from within the UK – and will be removed directly after they receive a decision at Oakington. Cases in the Fast Track are detained until they receive an initial decision on their claim, but have an in-country right of appeal if they are refused. The vast majority of cases at Oakington are refused.<sup>26</sup>

Because the processes at Oakington are predicated on detention there are concerns about the length of time that people may be detained if there are administrative or procedural delays. For instance, while the fast track procedures focus on fast decision-making, they do not address the practicalities of removing unsuccessful asylum applicants from the UK. This means that detainees may be kept in detention for long periods after the completion of the decision-making process, usually awaiting travel documents.

## 1.5 Rights and entitlements

"Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if his detention is not lawful." Article 5 (4), European Convention on Human Rights

Clear human rights principles limit the circumstances in which liberty may be denied for the purposes of immigration control, and legal safeguards in domestic and international law balance the power of detention with the right of the individual to challenge their detention.

UNHCR Guidelines on the Detention of Asylum Seekers state that

"If detained, asylum seekers should be entitled to the following minimum procedural guarantees... to have the decision subjected to an automatic review before a judicial or administrative body independent of the detaining authorities. This should be followed by regular periodic reviews of the necessity for the continuation of detention, which the asylum seeker or his representative would have the right to attend.... Detention

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<sup>26</sup> Home Office statistics for the first quarter of 2004 state that "Out of the 1,415 cases decided, there were 1,410 refusals, and the remainder granted asylum or Humanitarian Protection or Discretionary Leave."

should not constitute an obstacle to an asylum seeker's possibilities to pursue their asylum application."<sup>27</sup>

Concerns have been raised by domestic and international bodies including the United Nations, HM Inspectorate of Prisons and human rights NGOs, that in practice detention in the UK contravenes these principles. The power to detain for immigration purposes in the UK has been criticised by Amnesty International as "*extraordinary and unrestrained*."<sup>28</sup> A report by the UN Working Group on Arbitrary Detention in 1998 concluded that the UK's policy and practices were in violation of several guarantees designed to protect against arbitrary detention. The 1998 report raised a number of concerns including the lack of access to judicial oversight and reminded the UK Government that they should ensure that detention is resorted to "only for reasons recognised as legitimate under international standards" and "only where other measures will not suffice". The report also recommends that detention should be "*for the shortest possible time*" with "*an absolute maximum duration specified in law*". In addition, each decision to detain should be subject to "*prompt, independent and impartial review*". Before resorting to detention "*alternative and non-custodial measures should always be considered*."<sup>29</sup>

There are legal constraints on the powers of detention. For example, it must be used in accordance with stated Home Office policy, must be necessary and justified in the particular case and is impliedly limited to a period that is reasonably necessary for the statutory purpose to be carried out. Article 5 of the European Convention on Human Rights has been interpreted by the European Court of Human Rights as permitting immigration detention in narrowly defined circumstances. ECHR case law has shown that detention must be proportionate and that alternatives to detention must have been properly considered before detention can be lawful.

The day-to-day functions and responsibilities of the centres are set out in the Detention Centre Rules, a statutory instrument introduced in April 2001.<sup>30</sup> These Rules make provision for the regulation and management of detention centres in areas including admissions and discharge, welfare and privileges, religion, communications, health care, requests and complaints, and maintenance of security and safety. In doing so, they set out the rights of detainees including, for example, the right to a regular review of detention.<sup>31</sup> The rules also clearly

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<sup>27</sup> UNHCR, 'Guideline 5' in 'UNHCR Guidelines on applicable Criteria and Standards relating to the Detention of Asylum Seekers', 1999

<sup>28</sup> Amnesty International, 'Cell Culture: The Detention & Imprisonment of Asylum-seekers in the United Kingdom', Amnesty International United Kingdom, December 1996.

<sup>29</sup> The Working Group visited the UK in 1998 to consider the situation of migrants and asylum seekers in detention. The concluding report made a number of recommendations to the UK Government. For further information see, BID Submission to the UN Working Group, September 2002

<sup>30</sup> Statutory Instrument No. 238 The Detention Centre Rules see:

[www.legislation.hmso.gov.uk/si/si2001/20010238.htm](http://www.legislation.hmso.gov.uk/si/si2001/20010238.htm)

<sup>31</sup> "Rule 9 - (1) Every detained person will be provided, by the Secretary of State, with written reasons for his detention at the time of his initial detention, and thereafter monthly. (2) The Secretary of State shall, within a reasonable time following any request to do so by a detained



state the requirement for medical practitioners in the centres to report any cases where a detainee's health is "likely to be injuriously affected by continued detention or any conditions of detention."<sup>32</sup> However, in practice regimes and conditions vary considerably. Organisations working with immigration detainees have expressed concern that the Rules are not being followed and are not subject to clearly defined auditable requirements.<sup>33</sup> This is in part due to significant delays in issuing Operating Standards to the centres that give effect to the Rules.

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*person, provide that person with an update on the progress of any relevant matter relating to him".*

<sup>32</sup> Detention Centre Rule, No. 35.

<sup>33</sup> The Association of Visitors to Immigration Detainees (AVID) have monitored the implementation of the rules and their website documents areas of current concern. See [www.aviddetention.org.uk](http://www.aviddetention.org.uk)

'they took me away'

'they took me away'

## section two

# profile of women interviewed

A summary of selected information about the women we interviewed is presented below; some of this information can also be found in table 1 and 2 in this section.

### 2.1 Country of origin

The majority of the women interviewed came from Africa (11 out of 13), one from Asia and one from Eastern Europe (see table 1 below for an overview). Countries of origin included: Cameroon, Democratic Republic of Congo (3), Ghana (2), Kenya, Nepal, Nigeria, Republic of Congo (Brazzaville), Romania, Tanzania and Uganda.

Given the time restrictions and issues of access to women in detention/who had been in detention, it was decided that no criteria would be used in selecting nationalities.

### 2.2 Age

The majority of the women interviewed were aged between 20 and 29. Two were aged between 30 and 39 and two between 40 and 49. In two cases, the information was not asked.

### 2.3 Family in the UK

- In eight cases, the women had family in the UK, a partner/husband in four cases and a brother or brothers in the remaining cases. Three women had no family in the UK and in two cases, the information was not asked.
- Seven women had no children. Four women had two children or more, and apart from one case, their children were still in their home countries at the time of the interview. In the remaining two cases, the information was not asked.
- One woman was eight months pregnant at the time of the interview and had been pregnant at the time of her detention in the UK.

## 2.4 Languages

Ten women said they spoke good or fluent English. Seven women came from countries where English is an official language or widely spoken. Three said their English was poor. Four interviews were conducted in French.

## 2.5 Reasons for fleeing home

Out of 13, nine women gave us some information about the circumstances that led them to flee their countries and eventually seek asylum in the UK.

- Three women said they fled gender related persecution such as female genital mutilation, forced marriage, rape and trafficking.
- Three women said they were persecuted on the grounds of imputed political opinion and two of them told us they suffered gender-based abuse in this context.
- One woman said she had experienced torture and rape in her home country (but the reason for her persecution is not known), one woman fled her home on religious grounds. One woman feared for her life and fled after her father was threatened and beaten up by gang members and subsequently shot dead by them.

## 2.6 The road to seeking asylum in the UK

- In 11 cases, the women explained how they arrived in the UK. One arrived by lorry, one by train (Eurostar), one arrived at Dover and at least eight travelled by air (of which two also travelled by boat).
- Two of them were brought to the UK by someone. Six women said they had transited through an African country (in two cases), an Asian country (one case) or a European country (three cases).
- Four women had come to the UK on a visitor visa (one case) or a student visa (three cases). The three student visa holders claimed asylum nine months or longer after their arrival in the UK. The visitor visa holder claimed asylum immediately on arrival when she was refused entry into the UK.
- The majority however claimed asylum within days of their arrival in the UK. Four women sought asylum immediately on arrival, two women within a after arrival in the UK and one after two weeks in the UK.

## 2.7 Asylum claim status at time of detention

- Five women who sought asylum on arrival or a day after arrival in the UK were immediately taken to detention.
- One was awaiting an initial decision on her asylum claim.
- Another woman had been refused asylum and it is not known whether she had appealed against the decision.
- In four cases women were taken to detention after their appeal against a negative decision had been refused (in one case, a woman and her three children were taken to detention six years after her appeal for asylum had been rejected. One of her children was born in the UK shortly after she claimed asylum). One had applied for voluntary departure prior to being taken to detention.
- Three were holding a student or visitor visa, but claimed asylum immediately on arrival in the UK.

## 2.8 Welfare situation prior to detention

Four women had been supported by NASS prior to their detention, three of these women were then supported by friends once NASS support was terminated. Two women also said they had been supported by friends only and two were working. Three women were immediately detained on seeking asylum (at Oakington or Tinsley House). The information is not available in two cases.

## 2.9 Location of detention

At the time of interview, three women had been detained in one detention centre only (Dungavel, Oakington and Yarl's Wood respectively). Their stay in detention varied from one week, three weeks and over 26 weeks respectively.

In total, ten women were taken to more than one detention centre:

- Three were taken to two separate locations (total length of detention for each: between nearly four weeks and at least 12 weeks).<sup>34</sup>
- Five were taken to three separate locations (total length of detention ranging from at least one week<sup>35</sup> to nearly 87 weeks).

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<sup>34</sup> At the time of interview, one woman had spent at least twelve weeks in detention. It is not known if or how long after she was released from detention. In one case the information is not available.

<sup>35</sup> It is not known how much longer she was held in detention.

- Lastly, two were taken to four separate detention locations (total length of detention for each ranging from eight weeks to at least 83 weeks).
- Amongst them, two were moved back to a detention centre where they had already been held.

These figures suggest that lengthy periods of detention are often linked to the number of centres a woman is held in.

## 2.10 Length of detention

- Data on length of detention<sup>36</sup> shows that only two women in our research spent only few days in detention (one week for one and one week and one day at least<sup>37</sup> for the other).
- Two others spent just under a month (three weeks and three weeks and five days respectively)
- Three other women had been detained for five weeks (1 case), eight weeks and at least twelve weeks respectively.
- Three women were detained for between 24 and 26 weeks.
- Two were detained for over 83 weeks (one of whom for nearly 87 weeks).

<sup>36</sup> In one case, the information is missing.

<sup>37</sup> It is not known if she was held in detention for longer.

**Table 1: overview of women interviewed in the research (selected information)**

Interview wee no.	In detention at time of interview?	Age <sup>38</sup>	English Proficiency	Family in UK	When asylum claimed	Status/ stage of asylum application at time of detention	Location of detention <sup>39</sup>	Total length of time in detention
1	No	27	Fluent	None	One day after arrival	Applied for asylum and was immediately taken into detention	OAK, TH	N/k
2	Yes	28	Good	N/k	Several months after arrival	Asylum application pending at initial decision level	HAR, TH, YW	86 weeks and six days
3	No	35	Little	Brothers	On arrival	Asylum claim refused and appeal rejected. Taken to detention with her children six years later	DUN	Three weeks
4	No	22	Good	Partner	On arrival	Applied for asylum and was immediately taken into detention	OAK, DUN, TH, Other	Eight weeks
5	Yes	28	Fluent	Partner	Several years after arrival	On student visa	OAK, TH, YW	One week and one day at least
6	Yes	40	Fluent	None	On arrival when refused entry	Applied for asylum and was immediately taken into detention	TH, OAK, TH, DUN, YW	At least 83 weeks <sup>40</sup>
7	Yes	26	Fluent	Partner	On arrival	Applied for asylum and was immediately taken into detention	TH, YW	At least 12 weeks <sup>41</sup>
8	Yes	41	Little	Brother	Two weeks after arrival	Asylum claim refused and appeal rejected. Arrested in a car when police checked on her friend	YW	26 weeks and one day
9	No	23	Little	Brother	One day after arrival	Asylum claim refused and appeal rejected. Arrested after travelling to the USA on a false passport	TH, HAR, TH, YW	24 weeks and three days
10	No	N/k	Good	N/k	N/k	Applied for asylum and was immediately taken into detention	OAK	One week
11	No	N/k	Good	Brother	N/k	Asylum application refused at initial level	TH, YW	Three weeks and five days
12	No	30	Fluent	Husband	On arrival	Asylum case and appeal refused. Was applying for voluntary return	HAR, TH, YW	Five weeks
13	No	23	Fluent	None	Several years after arrival but legally in the UK on valid visa prior to claiming asylum	On Student visa successfully extended	YW, TH, OAK	24 weeks and two days

<sup>38</sup> At time of interview. Five women in our research were interviewed whilst still in detention and at least another six had been very recently released when interviewed.

<sup>39</sup> Key to abbreviations: DUN = Dungavel; HAR = Harmondsworth; OAK = Oakington; TH = Tinsley House; YW = Yarl's Wood.

<sup>40</sup> Month and year of when first put in detention available, but exact date not available.

<sup>41</sup> Ibid. In addition current status and location unknown but at the time of interview in November 2003 had spent at least twelve weeks in detention.

## 2.11 Outcome of detention

At the end of July 2004, the outcome of being detained varied for the thirteen women interviewed (see table 2 below for an overview). Although eleven of the thirteen women were detained for removal, only one woman was forcibly removed from the UK.

- Eight women were released from detention on Temporary Admission (TA).<sup>42</sup> They had been detained for periods of one week, three weeks, three weeks and a half, eight weeks, 24 weeks and a half (two women) and over 26 weeks (the information is not available in one case).
- One woman was released on bail, having listed her own bail application, and subsequently made a voluntary departure from the UK.
- Two made a 'voluntary' departure following a prolonged stay in detention (over 83 weeks and 86 weeks respectively), directly from the detention centre.
- One woman was removed and in one case, the outcome of detention is not known.

## 2.12 Status at July 2004

Of the 13 women interviewed between October 2003 and May 2004, eight were still in the UK at end of July 2004 despite having been detained for periods ranging from one week to over 26 weeks.

- Three women had won their case to remain in the UK after having been detained for periods ranging from one to three weeks.<sup>43</sup>
- Five women were still waiting for a final outcome on their case, were still in the UK and were still in contact with the Immigration Service (IS). Two have heard nothing about their case from the IS since release.

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<sup>42</sup> In one case, TA was granted a day before a bail application had been listed; in another case bail had been granted in principle and was due to be heard again the following day. According to BID, this is relatively common and can suggest that the Home Office are conceding because they think they will lose in the bail application.

<sup>43</sup> The length of detention is unknown in one case.



**Table 2: overview of bail application, removal attempts, outcome of detention and status at June 2004**

Interview e no.	Bail application made whilst detained?	Number of removal attempts made	Outcome of detention	Status at June 2004
1	One by solicitor - refused	Four (once taken to airport and three removal letters issued but cancelled before taken to airport).	TA (signing weekly)	Permission to remain in the UK
2	At least three - refused	N/k	N/a	Made 'voluntary' departure from detention
3	No	No removal directions issued during time in detention	TA	Permission to remain in UK-ILR
4	No - bail listed by BID but she was released day before hearing	One - didn't go ahead due to pregnancy	TA	Still in UK, reporting, no support
5	No	N/k	N/a	Removed
6	N/k (didn't refer to any during the interview)	Three	N/a	Made 'voluntary' departure from detention
7	N/k	N/k	N/k	N/k
8	N/k	No removal directions issued in seven months of detention	TA	Still in UK, no solicitor
9	One by solicitor - refused	Two - once pilot refused to fly, once cancelled	TA	Still in UK, reporting, pursuing fresh application
10	No	None	TA	Refugee status
11	One was listed but she didn't go to court	One - stopped after campaign intervention	TA	Still in UK, reporting, ongoing case
12	One successful	One- she refused to board the plane	Bail	'Voluntary' departure - not from detention.
13	One	None - she was waiting for a date for a tribunal hearing so had an ongoing case	TA (had already been granted bail in principle and was listed to go back, then released on TA)	Still in UK, reporting

'they took me away'

## section three

# from fleeing persecution to seeking asylum in the UK

We asked women to describe the circumstances that led to them to seek asylum in the UK. Four women summarised their stories whilst five chose to mention only briefly the reasons that led them to leave their countries. In the four remaining cases, no mention was made about the reasons they came to seek asylum in the UK either because they were not asked about it or did not mention it at all. On this particular question, none of the women were asked to provide any more details than they chose to.

As previously mentioned, at least three women said they fled gender-related persecution and at least three other women suffered gender-based abuse in the context of persecution.

"I came here because my family was working for [the president]. We are from the same tribe. My husband was also working for [the president]. I was born in a military camp. My brother was working in the guard. Two of my uncles were shot dead the day we left [my country]. One of my brothers disappeared, he was shot in the leg. My mother was put in prison and my two sisters were raped. Two of my sons are in Tchad at the moment, with the Red Cross. All my family has been dispersed. One of my children was born in Bangui in Central African Republic. Until today my mother is still suffering. She is now living in a Church. Until today I don't know where my husband is." [Q3]

"[I left] because of problems in my country, in relation to female genital mutilation." [Q4]

"There has been occultism in the family from a long time. I am the eldest in my family. I refused to take part in what they were doing, I refused to do it, ever since I came to England. I was in England from 1986 to 1993 then I was sent back home. It wasn't safe so I came back again in 1997 and I was deported. I came back in 2002. According to [the Immigration authorities] my immigration record is bad. I told them why I can't go back home. I prefer to be detained here than going back. My children are not home because of this. My mother is hiding them." [Q6]

"My husband was working somewhere, with Lebanese people. He was suspected of supporting the opposition." [Q8]

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"I fled my country because I had problems. My husband was a bodyguard for [the president]. When [the president] died, we received threats because my husband was suspected to be the killer. [The president] died in January and in March I was arrested. I was in prison for ten months and then I fled, a colonel helped me to flee. At the start [of my imprisonment] I had a child with me, he spent two weeks suffering in the prison, after that they asked me if I knew someone to look after him, I gave them the phone number of a friend who sent my child to my mother, in her village. After that, I remained imprisoned for ten months. I have been mistreated, I didn't eat much, I didn't sleep in good conditions, I was brutalised, beaten up, my fingernails were beaten.

The colonel who saved my life knew my husband. He told me "*you are still young, with two children, I cannot let you die like that, you are in danger like the others* [in prison]". He left me. Then in February 2002, he came back one day very early in the morning, with a jeep, I climbed in the jeep and he took me to a hotel near the airport. He introduced me to a white man, I don't know what had been agreed between them, it was like a dream. On the 3rd of February, they got me to change into [new] clothes so that I would look more like the person on the [passport] picture. The white man travelled with me to Nairobi and the 4th of February we arrived in England. He rented a hotel room and on the 5th he took me to the Home Office and left me there. He told me "*they will help you here*". Since that day I haven't had any news from him." [Q9]

## section four

# being taken to a detention centre

Women were taken into detention at various stages of their asylum applications. Some had just arrived in the UK whilst others had been in the UK for a few years.<sup>44</sup>

At least six women were put in detention either at Oakington (4) or Tinsley House (2) when claiming asylum on arrival or about to claim asylum, or in one case, when claiming asylum whilst serving a prison sentence.

One woman had already lodged a claim for asylum and was stopped on another matter and subsequently taken into detention.

Three women had been refused asylum and/or appeals when they were arrested and taken to detention. Amongst those, one woman was pregnant when she made her asylum claim on arrival and was placed in a hostel for two years before moving to private accommodation. Her asylum claim was refused and six years after her arrival in the UK, immigration officers and police came to search her home and took her and her children to detention. She stated that she was mishandled by one police officer before being taken to Dungavel. The second woman was stopped by the police whilst travelling in a friend's car. The friend was subjected to an identity check and then released, but she was taken to a police station for two nights before being transferred to a hospital due to her condition. In hospital she was seen by immigration officer and later taken to Yarl's Wood. Another woman whose claim for asylum and appeal had been refused was arrested when her attempt to travel to another country failed and she was sent back to the UK.

Amongst those who had not claimed asylum on arrival, one woman was reported to the immigration authorities for breaching employment regulations associated with her student visa (she claimed asylum on the same day).

Lastly one woman was arrested and put in detention even though she was in contact with the immigration service and had already informed them that she had decided to leave of her own accord and had made contact with the International Organisation for Migration (IOM) to discuss an application for assisted voluntary return.

The experience of the visitor group for Tinsley House illustrates the range of circumstances in which women may be detained:

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<sup>44</sup> In one case the information is not available.

"There is a mixture of detainees being picked up from home; of the female detainees over 18 whom we were in contact with in 2003, they arrived in detention in the following ways – 8% came from prison or police custody; 10% detained on arrival; 11% on routine reporting; 48% picked up at home or work; 21% not known."<sup>45</sup>

When asked about their feelings when they realised they were being taken to detention, the women said they were 'scared' (4), 'shocked' (3), 'panicking' (2), as well as suicidal (2) or 'wanting to die', 'upset', 'angry', 'frustrated', 'worried' and 'uncertain'.

"they told me they will take me to another place but I didn't realise it was a detention centre with gates and security officers. It's hard, you feel like a criminal, it's not nice... At the beginning it was a bit easier because I thought they would accept my asylum claim. I thought this is okay, I will pay the price [by being kept in detention].... But after, when I realised they had decided to refuse my asylum claim, it was horrible..." [Q1]

"It was very scary because they put me in a police cell for two nights. It was prison and I thought '*oh my God*', I couldn't believe I was in prison in another country." [Q2]

"I was very shocked. I thought they would release me." [Q5]

"It is something I can't describe, it is awful. Freedom is important. And because of fear. Okay, I prefer to be here [in detention than in my country]." [Q6]

"I just felt like it's better to die than to live. I never thought I could take it. The problem is "for how long?" [Q7]

"They told me a female immigration officer was going to come and pick me up. I cried. I am scared of the police. The woman came and told me 'I am going to take you to a centre'. It was Yarl's Wood where I ended up staying for a week. After a week they took me to hospital. ...I had fainted because I cried so much. If people who know me were to see me they would cry. You are locked in this prison, I don't know why. Explain to me. There is no way to explain it." [Q8]

"I was in state of emotions, I panicked. It's as if it was not me anymore. I didn't even know that there was any detention stuff in England or in a European country. When I learnt about this, I told myself '*this is not possible!*'" [Q9]

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<sup>45</sup> Interview with Gatwick Detainee Welfare Group, 26 February 2004.

Another was particularly angry as she had been in the country for several years and her children had settled well:

“Why did they put me in detention? ... I spent six years here, if they didn’t want me to stay here, they should have told me immediately. I have a family here, my children speak English. They tortured me, my baby is innocent.” [Q3]

In many cases, the women found the circumstances and manner in which they were taken into detention very distressing, either because of the way they were treated by the immigration service at the time, the shock of being arrested without any notice/unexpectedly, or both. In some cases, the women’s own circumstances, present and past, made the experience even more difficult.

One of the most shocking accounts is that of a mother of three, with a young baby at the time of her arrest (she had been released from detention at the time of the interview). The memory of that experience was so upsetting that she broke down when recalling it:

“They came to put me in detention [in] September. They didn’t even write to me before hand. It was Saturday. A woman and a man came here, they asked for my papers, I don’t know who they were, they showed me an identity card like the police have. They asked me if I had a lawyer and where my children were going to school. But they didn’t tell me anything.

The next Wednesday morning, I was preparing to take my children to school. I had not even brushed my teeth yet, I was bathing my baby. I heard someone knocking on the door. Ten people entered my home. They started to search all the rooms, everywhere. I was tortured like a dog. One of the police guy twisted my arm so badly I still feel the pain today. When I need to carry my child I have to use the other arm. They told me: *‘We are going to deport you back to your country’*. Why didn’t they tell me before that they didn’t want me to stay here?

My children started to cry, they said to them *‘shut up’*. All day long my children didn’t get anything to eat, just the thought of it gives me pain. My baby, they didn’t even give me any nappies for my baby, he peed on my lap, they didn’t even give me milk.

Now I am taking medications all time. I have headaches. My children, whenever they hear someone knocking on the door, they run off in the other rooms. They are frightened whenever they see a policeman.

They kept us in the van until midnight. I asked for nappies. My children have asthma - I can show you the medications. The

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children were crying because they felt suffocated [in the van]. But they locked the van and they left, they left us there. I was tired, my children were tired. At midnight, they took [us] to Dungavel.” [Q3]

Her experience contrasts sharply with the instructions to Family Removal Teams issued in July 2001. This document outlines how a pastoral visit to the family should take place.

“During either a pastoral visit or an interview you should discuss their situation, identify any factors that might prevent or delay removal – hospital appointments, pregnancy, exceptional educational needs, and other things of this sort. This will allow you to enquire about the facilities to meet these needs in the country to which it is planned to remove the family, and to refer for further consideration cases where removal may cause serious hardship...The purpose of an interview with the family, whether at home or in the office, is to avoid if at all possible taking the family into detention, and then having to release them because removal is delayed.”<sup>46</sup>

The account provided by the woman interviewed suggests that whilst the pastoral visit did take place it failed to identify that there were obstacles to removing this particular family. Indeed, despite being detained for three weeks, the family were never issued with removal directions (a date for the flight out of the UK) and were subsequently released. The guidance also suggests that in the process of detaining a family, there may be a deliberate use of a disproportionate number of officers as a tactic to ensure compliance, which confirms the experience of our interviewee:

“Knowledge of the number and ages of family members will allow you to identify the number of IS and police staff needed to effect detention. If you can get the staff, it is better to err on the side of caution, and have more rather than less, since a healthy police and IS presence may discourage protest and non-cooperation.”<sup>47</sup>

The experience of being detained was also distressing for those arrested at the airport or whilst claiming asylum. One woman described her ordeal at Gatwick airport:

“There they arrested me. I told them my real name, I told them that the name on my passport was not my real name. The immigration officer told me that she could not believe me. I told her ‘*but I am telling you.*’ She made some checks and saw that my asylum claim had been refused. She told me ‘*you will return to your country.*’ I screamed. I told them ‘*if you want to kill me, do*

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<sup>46</sup> Detention Services Policy Unit, ‘*Best Practice in Family Removals - Instructions issued July 2001*’, Home Office, circulated to NGOs in 2003.

<sup>47</sup> Ibid.



*it here, if I am returned to my country, I will be killed.* At that time I had no news from my children or my mother since 2001.

At that moment, I hadn't washed myself for four days. When they mishandled me in the USA my periods started again, I started to bleed. I had been using the same hygienic towel for three days. So at Gatwick I asked them if I could wash myself, I told them I had my periods. They didn't listen to me. The woman immigration officer told me to go and sleep somewhere, anywhere, and that the day after they would send me to Dungavel and after that send me back to my country. I started to cry, I started to tear off my clothes, I started to tear off my plaits with my hands. They sent me to the police. They gave me some sandwiches, I had to drink tap water.

They treat you like a criminal. [The immigration officers] refused to let me call friends. The police let me give a call to my friends.

That evening they took me to Tinsley House where I stayed for three days. After that I was taken to Dungavel." [Q9]

Another woman described how she was taken to detention after going to Croydon to apply for asylum, completely unprepared for the possibility that she would be detained:

"I went with a friend to Croydon. ... I went there without knowing what will happen, we arrived very early in the morning, we arrived in the queue and we waited two hours. They put me in a room without saying anything. My friend didn't come in with me. I started panicking. I thought maybe they were taking me home. I waited in that room until eight in the evening when a man came and told me that I was detained. I asked '*why?*' but they wouldn't answer any questions. I was so upset. I had only enough money to phone my friends to tell them I was going to a detention centre. Then we got put in a van; there were three women and five men in the same van. It took us three hours to arrive at Oakington. They took us to a room when we arrived – I was so, so upset.<sup>48</sup> It's a prison. I cried. I was without help. No-one explained anything." [Q10].

Another woman who was pregnant at the time she was taken into detention and was waiting for the outcome of her asylum claim, described her shock at being picked up whilst at a friend's house. As she was not at home she did not have any of her possessions.

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<sup>48</sup> At this stage the interviewee started to cry.

"One day they came and they took me away. I was at a friend's house and they were looking for him. They checked my papers when I was there and they took me away. I had nothing, just the clothes I was wearing, my coat and my mobile phone. I was in shock. I was pregnant. They took me to the police station and I was put in a cell for few hours. After the police station I was transferred to the detention centre in Manchester. I stayed there for five nights and after that I was transferred to Glasgow for three weeks. At the police station they did tell me where they were going to take me but the trip didn't go very well, I was sick because of my pregnancy." [Q4]

For other women who were detained shortly after arrival in the UK, detention compounded their general disorientation and lack of information. One woman took the wrong bus at night when trying to go to the Home Office in Manchester shortly after arriving in the UK. At a motorway stop the police were called to check on her documents:

"We started to walk and we walked a long, long way, I can't remember how many hours. ... I was really tired and needed to stop. We crossed a road and arrived at a toll (sic). There some guys, I don't know who they were, they were not police because the police came later, asked us to see our documents. The police came and took me to the police station. My English was not so good then so I phoned an interpreter and I said I wanted to claim asylum. They put me in a cell for the night. It was very strange because I had never been in a cell in a police station in my life. I thought that if I was innocent and I had done nothing wrong, they couldn't put me in a cell. After my experience..., it was a shock for me that I was left in a cell. Before I had been kept in a cell for few months but that was by gangs." [Q1]

In another case, the immigration officer at Waterloo misled a woman who explicitly said she wanted to seek asylum on arrival:

"I arrived ... with Eurostar. I said I wanted to seek asylum but the woman officer told me '*no, you can't seek asylum*', she said '*you can't stay here*.' She asked me to sign a paper and I refused. She kept telling me I couldn't stay here.

I was taken to a police cell. The next day they took me back to Waterloo station. I asked them '*where are you taking me?*' They told me they were going to arrange something for me. They took me to Tinsley House. I said I wanted to speak to an immigration officer and they asked why. I told them I wanted to seek asylum. I was told I have to get a solicitor." [Q7]

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Others also described how they were made to feel like '*criminals*':

"I was alone in the van. The way they closed the door, it was like I was a criminal. I said to them, 'I am a woman, do you think I can do anything bad to you?'" [Q11]

When asked about the nature of their immediate worries when they were first taken to detention, three women said they worried about being deported and two about being "*sent back to be killed*", one of whom was also concerned about her husband's health and her job. Unsurprisingly the mother who had children living with her was worried about them and the pregnant woman said she worried "*about the pregnancy, unsuitable conditions and being treated badly*" in the detention centre. Two women said they were concerned about the uncertainty of their situation. One woman also said she "*didn't want to cause trouble for any of [her] friends*" who had been helping her.

"... It's very, very hard, I was worrying, I didn't want to go back home but because I was near the airport, I knew they could take me anytime and send me home. So I was very worried." [Q2]

"I was first and foremost thinking about my baby and the conditions in which we were detained. It's really horrible for women and in particular pregnant women. First it's the way you are treated, you don't eat very well, you can't go out, you sleep with lots of noise around, people are crying. You feel like you have stolen something, you have committed a crime. It's really not easy to be detained." [Q4]

The unexpected and sudden nature of being detained was identified by HMIP as having an ongoing impact on detainee's feelings of safety and security in the centres. In relation to Tinsley House, inspectors noted;

"...we have been mindful that those detained at Tinsley House were not only held against their wishes, but also often contrary to their expectations. Many were picked up without warning and had not been able to put their affairs in the UK in order. Some were separated from children or close families. All were faced with an enforced life change which they did not want and which represented a severe reversal in their fortunes. In these circumstances detainees were not likely to report feelings of well-being, and nor did they. Only about a third claimed to feel safe, despite a conscientious level of custodial care."<sup>49</sup>

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<sup>49</sup> HMIP inspection of Tinsley House, op. cit., p. 8.

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## section five

# decision to detain: women's views

We asked the women what they thought were the reasons behind detaining asylum seekers in general, detaining them in particular, and if they thought they were being treated differently from other asylum seekers.

Fairer, Faster, Firmer, the 1998 White Paper states that:

"It is regrettable that detention is necessary to ensure the integrity of our immigration control. The Government has decided that, whilst there is a presumption in favour of temporary admission or release, detention is normally justified in the following circumstances:

- where there is a reasonable belief that the individual will fail to keep the terms of temporary admission or temporary release;
- initially, to clarify a person's identity and the basis of their claim;
- or
- where removal is imminent."<sup>50</sup>

The Home Office continues to argue that detention is an essential part of maintaining effective immigration control by preventing asylum seekers from absconding and disappearing into the community. Evidence gathered to date shows little data to support this view, and the Home Office has not produced any research to demonstrate that detention is necessary on such a wide scale.<sup>51</sup> In 2002, Bruegel and Natamba not only found detention to be 'poorly targeted' but also 'highly inefficient'.<sup>52</sup> Based on 98 case-files of those bailed by BID, the research found that at most 8 to 9 percent of asylum seekers who received bail between July 2001 and October 2001 subsequently absconded. 90 percent were found to have complied with bail requirements after having been detained at huge unnecessary costs to the taxpayer.<sup>53</sup> The research concludes that the

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<sup>50</sup> Home Office, 'White Paper: Fairer, Faster, Firmer: A Modern Approach to Immigration and Asylum', Home Office, July 1998, para. 12.3.

<sup>51</sup> A letter from Home Office Research and Development Statistics (RDS) to BID in May 2002 stated that "the Home Office has not commissioned any research on the subject of compliance with Temporary Admission in connection with detention criteria over the past twelve years."

<sup>52</sup> Bruegel, I., and Natamba, E., 'Maintaining contact: What happens after detained asylum seekers get bail?', No. 16, Faculty of Humanities and Social Science, South Bank University, June 2002, London, 18p.

<sup>53</sup> The research also concludes that further research, on a larger scale, should be undertaken.

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Immigration Service “*lacks the ability to forecast absconding with any degree of accuracy.*”<sup>54</sup>

Two of the women interviewed shared the view that detaining asylum seekers constituted a “*vast waste of public money.*”<sup>55</sup> One woman commented that someone must be making money out of the policy, otherwise why were they attempting to deport people when they often ended up being returned to detention?

“It’s too bad. There is nothing good about it. I listen to the news everyday. This place is good for old people but not for us who are active. Everything is taken care of. The best way to describe it is that it’s a waste of money and a lack of understanding. The money they are using to take care of me is too much... It’s a waste of money. They have to pay for food, electricity, water... I just keep thinking, why?... Everyday, why? why? why? And there is no answer. I wish they sent someone, an immigration officer, to talk to us.” [Q7]

“I don’t know, I always ask why? Is there an experiment going on? That we don’t know about? I ask why? It’s probably money, they get a business out of this. I look at myself [my case]: why I have been moved around, in the middle of the night, when everyone is asleep, and then when you refuse to be deported, they take you back [to the detention centre].” [Q6]

Some women appreciated that detention was used to prevent absconding but felt that in their particular case absconding was not a risk, particularly as they had come to the UK to seek protection, not to ‘go underground’.

“They think I’ll abscond. I told them I haven’t got family here but I have given the phone numbers of sureties to my solicitor. I don’t want to put anyone in trouble. I don’t want to go anywhere. I am just trying to make a life. I thought I was leaving to get a peaceful life. I was really happy when I came to the UK.” [Q5]

“I don’t know. Actually I know why because my friends told me that before there was no detention centres, it was open centres, you could walk out. More and more countries are now on the white list which are deemed safe. They don’t want people to flee but I don’t understand why because they have cameras in the street. ... I didn’t want to abscond because I didn’t want problems. It is true that there are people who run away but not everyone does. So why do they treat us the same? We are all different.” [Q1]

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<sup>54</sup> Bruegel, I., And Natamba, E., op. cit., p. 14.

<sup>55</sup> As put by Prof. Stephen Castles, Director of the Refugee Studies Centre, Univ. of Oxford, in Bruegel and Natamba, op. cit., p. iv.

One woman thought that the detention policy was a deliberate policy to break down people's morale and force them into a situation where they will give up their asylum claim and return home.

"In order to 'run down' people mentally, in this case you tell yourself, *"no, I am going back to my country"*. It's to weaken people's morale. In my opinion, it's not good. ...I saw news on the TV, a British guy was crying after only three days in prison. But what about us who spend six months, or a year, what can we say? ...It's not a good system. The criminals should be put in jail, be locked up. We are not overstayers, we are asylum seekers." [Q9]

One woman pointed to the inconsistencies in the implementation of the policy and the apparent chaos with the system. Whilst in detention, she received two letters to her home address accusing her of absconding because she had failed to report!

"The Home Office use this argument that people abscond, but they are so inconsistent in their system. When I was in Tinsley they wrote to me twice to my home saying I haven't reported! They were detaining me! In the bail summary, they called me by the wrong name. They are detaining people without even testing if they would go home voluntarily. If people are given the chance to make a voluntary departure, some of them will." [Q12]

She also felt that poor quality decision-making and an emphasis on removal to keep the public happy was leading to attempts to return people who were at risk.

"...They are also some cases where they make really bad decisions when people should be allowed to stay in the UK. ... the government quickly want to get rid of everyone to give the public a number. They don't look at the humanitarian grounds of your case and they don't give you the reasons. I will fight detention not just for me." [Q12]

When the women were asked for their views as to why the government chooses to detain people, most women referred to their own experience and most were perplexed by the use of detention in their particular circumstances. Three of the women also questioned the decision to remove them given what they believed was a well-known unsafe situation in their home country:

"I don't know. I was told they wanted to remove me to my country, that my country is safe. But my country is not safe, a lot of people are being killed there. ...Don't they see on television, the

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people at the Home Office, what is happening in my country? My brother, I don't know if he is still alive." [Q3]

"They know that in [my country] there is war; that there are no [human] rights; that there are no laws that are enforceable. If you are mistreated, no one can intervene. And the ... government cannot tell the truth, ... the president ... cannot denounce [the situation in] his own country." [Q9]

"It's a very bad situation in my country now. I saw on TV last night that 8,000 people were killed recently. [The Home Office] should know that it's a very bad situation [there]. I still have some relatives in the country and they tell me it's a very bad situation. There is ... a general strike, people are really suffering." [Q13]

Women also expressed anger at the way they were being treated or had been treated after their experiences in their home country and for seeking protection in the UK; or they felt unjustly detained for 'doing the right thing':

"...Why do they put people in detention? If people come here and they don't want them to stay, why don't they say so? But instead they leave you for a long time, you live here, you have a home here. Now where can I go?" [Q3]

"If they don't want to help asylum seekers, they should say it openly. I am a woman. I have been beaten in England, detained in a country in Europe. I don't even have the strength to defend myself and white people beat me up like that, in a country where there is a rule of law; they want to kill me. I came here with no documents, with all my pains and suffering, and they don't protect me. They can rape women in detention, the way they beat me, they can rape someone. The law in England, where is it? I don't see it being practiced here." [Q9]

"I tell myself it is a bad policy, for most of the people in detention they didn't steal anything. There are lots of people outside, without any documents but immigration people don't stop them. It's the few people that get arrested that pay for all of them. Now we cannot appeal anymore. Before there were more chances. And they always end up releasing people." [Q4]

"I have asked myself this question a lot of times. Okay England may say there are too many asylum seekers but when I was outside there were many illegal immigrants who don't bother to claim asylum. I always wanted to do the right thing. Some people told me I could get a bank account and a card, but I said no. I am too scared. Okay if they don't like asylum seekers but at the same time, God knows what I have been through, I know why I can't go

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home ... And then these English people they colonised my country, still today they come to my country, it's not fair. I have rights, they should give me a chance... I can go to another country where I can be safe." [Q2]

When specifically prompted for their views on why the Home Office had decided to detain them specifically, women again expressed a sense of injustice or pointed to a blanket policy related to their nationality.

"For the Immigration Officer, I am just a number, I don't believe they read my case. They see I am [nationality] ... and they refuse my case." [Q1]

"I don't know why I have been in detention for 15 months. I know many people who have been released. One lady in Dungavel and myself have been in detention the longest. Why only us? If they really wanted to deport me, they should have done it a long time ago. I really wished I had claimed asylum in my own name from the start. But it was not my choice." [Q2]

"Ah! Is it because my asylum claim has been refused?" [Q8]

One woman recognised that her immigration records had affected the decision to detain her, but felt that the action was disproportionate to her 'crime'.

"Yes my record is bad, is it just because of that? I haven't killed anyone or committed any crime. It's only because I had a false visa. The second time, I told them how I came, though Holland. I wish I could know why we are here, honestly I don't know." [Q6]

J. challenged the implementation of the detention policy and identified what she thinks is an underlying injustice affecting black people and in general people who have experienced torture and persecution:

"People in white countries are more protected than black people. But black people suffer a lot, from torture, persecution... The best is to treat each case on its own merits. Not to detain more than one day. Even the law says that after seven days one can asked to be released. But they don't accept this. You appeal but the judges refuse the appeal...Some have been in detention for two years, one year, six months, five months... We are not animals. They can see the person has been tortured, persecuted, so why?" [Q9]

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## section six

# legal rights and representation

Many of the women we interviewed had experienced problems in relation to finding out about and exercising their legal rights, the reasons for their detention and the outcome of the monthly reviews that take place of detained cases. They also had great difficulty in accessing legal representation, and several had paid money to solicitors for services that never materialised. For a detained person access to legal representation is a priority, both to pursue any issues relating to their asylum claim or appeals, and to challenge their detention. Detainees have the right to know the reasons for their detention and to be explained of them in a language they understand.<sup>56</sup> They also have the right to make an application to an Adjudicator for release on bail and to a regular review of detention.<sup>57</sup>

### 6.1 Understanding legal rights

HMIP recommends that *"Detainees should be told, in a language that they understand, of their rights to bail, appeals and legal aid within 24 hours of arrival at the Centre"*<sup>58</sup>

Only four of the 13 women interviewed stated that they understood their legal rights. An additional four felt they understood their rights only after some time or when they had been moved to another detention centre. Three women said that nothing at all had been explained to them by officials and two said that they had no knowledge of their rights at all throughout the process.

"Who is going to inform me about my rights? They left me like that, they didn't give me any letters, nothing, no letters.... Only BID explained me my rights." [Q3]

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<sup>56</sup> This has been endorsed by the European Committee for the Prevention of Torture (CPT) whose standards state "30. *Immigration detainees should - in the same way as other categories of persons deprived of their liberty - be entitled, as from the outset of their detention, to inform a person of their choice of their situation and to have access to a lawyer and a doctor. Further, they should be expressly informed, without delay and in a language they understand, of all their rights and of the procedure applicable to them.*" in 'The CPT standards; "Substantive" sections of the CPT's General Reports', Strasbourg, September 2003 (CPT/Inf/E (2002) 1 - Rev. 2003) p. 76. See [www.cpt.coe.int/en/documents/eng-standards-scr.pdf](http://www.cpt.coe.int/en/documents/eng-standards-scr.pdf).

<sup>57</sup> Detention Centre Rule 9 "(1) Every detained person will be provided, by the Secretary of State, with written reasons for his detention at the time of his initial detention, and thereafter monthly. (2) The Secretary of State shall, within a reasonable time following any request to do so by a detained person, provide that person with an update on the progress of any relevant matter relating to him."

<sup>58</sup> HM Inspectorate of Prisons, 'An Inspection of Tinsley House Immigration Removal Centre, February 2002, Summary and Recommendations', Home Office, 2002, p. 28.

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"Nobody explained anything to us, but we were given small leaflets by the welfare groups." [Q4]

Only one woman stated that she had been given written information by staff on her rights, at Tinsley House and Dungavel, having received nothing during her stay at Harmondsworth.

The government argue that specific information is provided to detainees about their right to challenge their detention.

"Detained persons are notified of their right to apply for bail on the form that advises them of the reasons for their detention. They are also advised to contact either the Immigration Advisory Service or the Refugee Legal Centre for free advice, and are given telephone numbers and information leaflets when they go into detention centres. To argue that they are ignorant of their rights would be wide of the mark."<sup>59</sup>

However, women's experiences are consistent with the findings of HMIP's report on Tinsley House in 2002 which identified the lack of information about rights as a key problem, stating that "...*detainees were not informed of their legal rights.*"<sup>60</sup> The Inspectorate's report on Dungavel also noted that "*Detainees were not told of their rights to bail, legal aid or appeal, were not being produced on time for court hearings and were not always produced at bail hearings.*"<sup>61</sup> Furthermore, whilst IAS and RLC do represent some people in detention, they are not able to take on all detained cases and do not apply for bail for people unless they represent them in their substantive asylum or immigration matter.

The failure of centres to provide information resulted in many of the women being dependent on other detainees and on non-governmental organisations for information and advice. Interviewees named several different sources of information on their legal rights in detention. Four women named BID as a source of information, and two women mentioned each of the following: lawyer, other detainee, staff member, leaflet, visitors' and campaign groups (Gatwick Detainee Welfare Group, Campaign Against Arbitrary Detention at Yarl's Wood, and Women Against Rape/Black Women's Rape Action Project). One woman obtained advice from the Refugee Council at Oakington, and one read books and newspapers in the centre's library and watched TV news.

The experience of the women we interviewed suggests that the detaining authorities are not doing enough to make detainees aware of their rights. One woman commented that

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<sup>59</sup> Angela Eagle MP, HoC Hansard, Column Number: 257, 14 May 2002.

<sup>60</sup> HM Inspectorate of Prisons, '*An Inspection of Tinsley House Immigration Removal Centre*', op. cit., p. 9.

<sup>61</sup> HM Inspectorate of Prisons, '*An Inspection of Dungavel Immigration Removal Centre, October 2002, Summary & Recommendations*', Home Office, 2002, p.37.

"The information on bail is in the small print. Also, by the time you get the letter in detention, your state of mind is such that you don't always take it in. They don't explain it to you." [Q13]

This view is shared by a visitor group who question the usefulness of the way information is provided by the centres.

"[Information is] not accessible, and not easily transferred into usage by detainees. They are given a whole bundle of information when they arrive, but they are stressed and disorientated and so they don't retain it."<sup>62</sup>

Of those we interviewed, eleven women found out during their detention about the possibility of bail, although most of them only learnt about it after some time and through BID and other sources rather than members of staff.

"In Oakington I did not know anything about release/bail procedure. I did not know anyone there. Only I knew about right for someone to have a solicitor from the American movies." [Q1]

The lack of translated information and access to interpreters also created a barrier for women seeking to understand their rights. The lack of interpreters and translated materials is an ongoing problem that has been identified in previous reports including *Criminal Treatment: The Imprisonment of Asylum Seekers*, by the Prison Reform Trust:

"There was inadequate provision and use of interpreters and a lack of translated materials in appropriate languages...All staff interviewed spoke of communication problems. They tended to 'make do', using other detainees to interpret, even for confidential medical consultations. Clearly such practice is unacceptable. Prison officers and detention centre staff were often reluctant to use Language Line because of the expense, and some did not know that this facility was available."<sup>63</sup>

## 6.2 Reasons for detention and for maintaining detention

When someone is detained, they must be provided with written reasons for their detention. At present, this consists of a check-list on a form (the IS91). The government has stated that:

"Written reasons for detention should be given in all cases at the time of detention and thereafter at monthly intervals, or at shorter intervals in the case of detained families. Taking into account that most people who

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<sup>62</sup> Interview with Gatwick Detainee Welfare Group, op. cit.

<sup>63</sup> Shackman, J., *'Criminal Treatment: The Imprisonment of Asylum Seekers'*, Prison Reform Trust, 2002, p. 15.

are detained are held for just a few hours or days, initial reasons will be given by way of a check list similar to that used for bail in a magistrates' court."<sup>64</sup>

Guarantee 5 of the standards used by the UN to determine whether custody is arbitrary demands that detainees be provided "*written and reasoned notification of the measure of custody in a language understood by the applicant.*" Arguably, a 'checklist' form explaining reasons for detention is too simplistic to constitute a reasoned notification of the detention decision, particularly as many people are held significantly longer than "*just a few hours or days.*"

The experiences of the women interviewed suggest even the basic requirements of the check list form are not being met in some cases. Of five women who gave information on the issue, three said they were not told by staff of the reasons for detaining them in a language they could understand, and the other two said they were (one saying she had been told in the first week of her detention). Only one woman confirmed she had been given written reasons for her detention; for the other 12 women, this was not known.

"When I got in detention the officer gave me a ready-signed letter saying he had explained my rights in English. He hadn't – he had just photocopied it. There were some words that I didn't understand." [Q5]

In one case, the woman challenged the reasons that were put on the form, which resulted in them being changed.

"When I was arrested the caseworker who detained me was ticking boxes [on the reasons for detention form]. He ticked the box to say that 'You have previously failed to report'. I asked 'when?' because I had always kept in contact. He said 'you have to tick some boxes'. So I asked to speak to the CIO and the CIO told him he had to delete it and had a go at him!" [Q12]

The Rules also require that comprehensive written reasons for maintaining detention should be given in all cases, on a monthly basis.<sup>65</sup> Whilst most of the women who were asked about reviews said they had taken place<sup>66</sup>, one woman questioned the contents of the review which repeated the same information throughout a lengthy period of detention.

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<sup>64</sup> Home Office, 'White Paper: Fairer, Faster, Firmer: A Modern Approach to Immigration Control', Home Office, 1998

<sup>65</sup> A statutory requirement to produce monthly "*written reasons*" is contained in Rule 9 of the Detention Centre Rules, op. cit..

<sup>66</sup> Out of the 11 women for whom regular reviews should have been held, three out of the four who responded said monthly reviews had taken place, and one said they had not. It was not known whether legal representatives were present or whether the women were informed of the outcomes in their own languages.

"My monthly reports all say my case is refused and they are still preparing to remove me." [Q6]

The Operational Enforcement Manual (OEM) makes clear that ongoing review is important, stating "*Once detention has been authorised, it must be kept under close review to ensure that it continues to be justified.*"<sup>67</sup> However, detainees surveyed by HMIP experienced problems with reviews, and the following point was made by HMIP:

"From the surveys, it was clear that reviews of detention, if they took place, were not effectively communicated to detainees. From the inspections it became clear that immigration officers on site did not know, and did not communicate, how cases were progressing: nor was it evident to us that they were progressed efficiently. The case studies in the reports include cases where detainees were unable to return home when they wished to, as well as those wishing to challenge their removal."<sup>68</sup>

### 6.3 Progress of asylum case

Several of the women interviewed were detained whilst still pursuing their asylum claim or appeals. The problems of failure to communicate and lack of translated explanations also affected women's understanding of the progress of their asylum case.

One woman stated that she was unable to get information from the detention centre staff who referred her to immigration staff.

"Why did they put me in detention? The staff [in detention centre] told me it was not their problem, they told me it was an issue for the immigration." [Q3]

The HMIP report on Tinsley states:

"During the period of their detention, information about the progress of their cases, which was of over-riding importance to detainees, was very difficult to obtain and not communicated in their own languages."<sup>69</sup>

HMIP noted that a lack of information combined with problems in finding legal representation create a feeling of insecurity.

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<sup>67</sup> Home Office, '*Operational Enforcement Manual*', op. cit., Ch.038.

<sup>68</sup> HM Inspectorate of Prisons, '*Introduction and Summary of Findings: Inspection of five Immigration Service custodial establishments*', Home Office, April 2003, p. 5.

<sup>69</sup> HM Inspectorate of Prisons, '*An Inspection of Tinsley House Immigration Removal Centre*', op. cit, p.9.

"For detainees in all centres, though, except for Oakington, their insecurity was heightened by the fact that they were unable to obtain reliable information from the immigration authorities about the reasons for their detention or the progress of their cases, or to access competent independent legal advice. For many, this was the greatest insecurity of all."<sup>70</sup>

Visitor groups reported similar problems, highlighting the reluctance of onsite immigration staff to deal directly with the women detained at Tinsley.

"Sometimes, the IS staff on site are not particularly helpful. If a detainee asks what is going on in her case, they have to send a fax upstairs to the IS, who will send a fax back, saying we have discussed it with the port responsible for your case. They don't like seeing the detainees face-to-face. It would improve things if the communication was better."<sup>71</sup>

Women detained at Oakington who are taken there for the purposes of making a decision on their asylum claim also face obstacles to properly articulating and pursuing their case.

An IAS representative interviewed for this research highlighted that women with children are sometimes interviewed about their case in front of their child, or face separation whilst the interview takes place.

"There is a problem with interview rooms. In general, the presence of children at interviews is avoided, but the interview times are not the same as the opening times for the crèche. So sometimes clients have no option but to bring the children with them. This is a problem – it is distressing for the children to hear the content of the interviews, but it is also distressing for the women to speak about things in front of their children. However it is also upsetting for the children and mothers to be separated during an interview and mothers are not always able to focus on the interview as they are concerned how their children are coping in the crèche. On a practical level it is also difficult in the interview block for mothers with pushchairs as the corridors are narrow and chairs and tables are bolted down."<sup>72</sup>

Women taken to Oakington expressed particular shock that they were detained just because they had claimed asylum and happened to be from a certain country. One woman described her shock at being detained after she claimed asylum at the Home Office in Croydon.

"They put me in a room without saying anything. My friend didn't come in with me. I started panicking. I thought maybe they were

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<sup>70</sup> HM Inspectorate of Prisons, *'Introduction and Summary of Findings: Inspection of five Immigration Service custodial establishments'*, op. cit., p. 5.

<sup>71</sup> Interview with Gatwick Detainee Welfare Group, op. cit.

<sup>72</sup> Telephone interview with Immigration Advisory Service caseworker, 27 April 2004.



taking me home. I waited in that room until eight in the evening when a man came and told me that I was detained, I asked 'why?' but they wouldn't answer any questions. I was so upset. I had only enough money to phone my friends to tell them I was going to a detention centre. Then we got put in a van; there were three women and five men in the same van. It took us three hours to arrive at Oakington. They took us to a room when we arrived- I was so, so upset [starts to cry]." [Q10]

Our interviewee from IAS confirmed the view that people see Oakington as a prison, despite it being called a 'Reception Centre'.

"Often Oakington is where people come initially (when they first arrive in the country) and they do get a shock as many see it as a prison, even though it runs in a more open way than other asylum centres."<sup>73</sup>

## 6.4 Accessing legal representation

HMIP have emphasised the importance of accessing good quality legal representation whilst detained, stating that

"We expect that detainees are able to obtain expert legal advice and representation and to receive visits and communications from their representatives without difficulty, in order to be able to progress their cases efficiently."<sup>74</sup>

The women we interviewed and organisations who work with them, identified legal representation as one of the most pressing problems for detained women. In particular, concerns were raised about

- access to existing lawyers (including barriers to communication as a result of detention and the location of the centres);
- vulnerability to exploitation by unscrupulous lawyers;
- inability to access any legal representation at all

These problems with legal representation affected women's ability to pursue their asylum claim and restricted them from exercising their right to challenge their detention by way of a bail application.

Three women reported that they had no contact with their lawyers whilst in detention. Ten women noted that communication with their representative was poor or very poor, and only one representative was commended as being good.

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<sup>73</sup> Ibid.

<sup>74</sup> HM Inspectorate of Prisons, *'An Inspection of Tinsley House Immigration Removal Centre'*, op. cit.

One woman described how her remote location meant that her lawyer was no longer inclined to represent her, despite her repeated attempts to make contact.

“They [Immigration Officers] gave me another paper saying you can apply for bail. I gave her [solicitor] all the names and everything. I haven’t heard anything. Everywhere I go, I leave a phone number and a message but I never hear anything. Whenever you call, they say, call back tomorrow. I think this place is too far for her.” [Q5]

Several other women described how they had been promised action that never materialised, or had paid for services that were not carried out.

“My first solicitor asked for bail because I was crying too much. He applied for bail, but then cancelled the request. I don’t know why. I paid him £350 to make a bail application and he didn’t do anything. I asked my boyfriend to get the file [from the solicitor’s office]. I was told I would be given a copy. When you call them [solicitors], there is no response. I have also written a lot.” [Q7]

“The immigration officer asked me if I had a solicitor, I told him my solicitor never contacted me, I didn’t have a solicitor. These solicitors, if they don’t want to work for asylum seekers, why don’t they say so? They take money and do nothing. My solicitor had my file for a year, she never told me anything, never visited me, never wrote to me.” [Q9]

The issue of bad quality representatives was also raised by organisations supporting women, who described the need to push the lawyers in to doing the work on the case, especially in relation to the specific needs of rape survivors.

“In our experience, organisations and supporters are too ready to leave women’s cases in the hands of lawyers alone. But lawyers may be careless or worse; some demand exorbitant amounts of money for work which is covered by legal aid; few are experienced in representing rape survivors, many won’t do the work of bail applications. We often have to find women new lawyers or insist that their existing lawyer does everything to legally challenge detention and/or stop the removal. Lawyers may be hostile but are all are more likely to work hard if they know they are being monitored!”<sup>75</sup>

Emma Ginn, of the SADY (Stop Arbitrary Detentions at Yarl’s Wood) campaign, commented that even where a good quality lawyer is representing a detainee,

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<sup>75</sup> Interview and email follow up with Women Against Rape and Black Women’s Rape Action Project, May 2004.

their job is made harder by the physical barrier created by detention, often resulting in the women not knowing what is going on in their case.

"[Legal representation] is a total disaster. Women are ripped off lots of money by unscrupulous solicitors. But even with good solicitors, they haven't got the time to communicate adequately with their clients. They have to sacrifice this aspect so that they can get on with cases."<sup>76</sup>

Of the nine women who commented on the quality of representation on their cases, only one had no complaints, with four citing communication problems, two unhappy with the way the lawyer had conducted the case, and two noting other problems.

"My case went to appeal. I was told because I didn't turn up, they closed my file. But I never received the letter about my appeal. It's my lawyer's fault, she should have told me, she didn't tell me anything." [Q3]

"I have a solicitor but I don't know what he is doing. He said my case has no merits." [Q6]

"I have a lawyer in Scotland but I don't know what is happening because I am here now. I used to speak to him by phone, sometimes he couldn't talk because he was in court." [Q2]

HMIP have been critical of the poor access to legal advice for many detainees<sup>77</sup> and have identified the problem of detainees being charged for services which were not carried out.

The HMIP report about Dungavel noted that legal aid eligibility did not prevent detainees from being charged for services, and identified that the centre was not proactive in providing lists of regulated advisers:

"Many detainees complained that their representatives were not doing enough to progress their cases and were anxious about being poorly represented. Some we spoke to were paying considerable sums of money to representatives in circumstances in which they should have been eligible for legal aid. Many complained of having little or no contact with

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<sup>76</sup> Interview with Emma Ginn, 27 April 2004.

<sup>77</sup> "Nor were detainees easily able to obtain competent independent legal advice to explain their situation or represent them; indeed, in a number of centres they were clearly targeted by unscrupulous advisers who were able to prey on their vulnerability. Only at Oakington were onsite immigration officers involved in and informed about detainees' cases; and there was also on-site and properly regulated specialist legal advice and representation. The main perceived problems there were the speed and apparent inflexibility of the process in relation to complex cases, and the need to emphasise and support the capacity and independence of on-site advisers." See HM Inspectorate of Prisons, *Introduction and Summary of Findings: Inspection of five Immigration Service custodial establishments*, op. cit, p. 6.

their representatives over long periods of time, and very few had had bail applications made on their behalf.

...No monitoring of the quality of legal representation took place and the immigration officers on site were largely unaware of whom detainees were being represented by and seemed to take little interest. One member of the centre staff was pro-active in assisting detainees in complaining about representatives to OISC. However no lists of properly regulated advisers or lawyers was provided, nor was there any information about legal aid or what a legal representative should be expected to do. There were also no legal textbooks in the library and only copies of immigration law which on their own would be very difficult to use.”<sup>78</sup>

Although HMIP have recommended that steps are taken to address the issues of legal advice and representation<sup>79</sup>, many legal representatives and organisations are concerned that the problem will get worse as a result of recent cuts to legal aid. In May 2004, the Legal Services Commission (LSC) and the Department for Constitutional Affairs implemented a new regime of public funding for asylum and immigration work which places a financial threshold on the amount of work that can be carried out on a case, before a request for an extension is made to the LSC. The changes were widely opposed by immigration practitioners and by individuals and organisations on the basis that the constraints would make it very difficult for a legal representative to properly pursue a case.

The experiences of women interviewed suggest that the changes are clearly having an impact on detained people, who are exceptionally vulnerable given that they are held without time limit and may be young, ill, not speaking English or have serious health problems.

One solicitor interviewed for this research who has represented many detained people in the past, questioned whether she would be able to do the work under the new funding regime.

“It is really very difficult to see how you can efficiently run a case under the new funding regime... The situation is very grim with the new immigration contracts.”<sup>80</sup>

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<sup>78</sup> HM Inspectorate of Prisons, *‘An Inspection of Dungavel Immigration Removal Centre’*, op. cit. p. 36.

<sup>79</sup> ‘8. The Immigration Services Commissioner should pay particular attention to monitoring the quality of legal advice provided to detainees, who are an exceptionally vulnerable group; and information about properly regulated advisers should be available in all centres.

9. The Immigration and Nationality Department and the Legal Services Commission should consult with professional bodies to ensure that access to competent independent legal advice and representation is provided.’ HM Inspectorate of Prisons, *‘Introduction and Summary of Findings: Inspection of five Immigration Service custodial establishments’*, op. cit., p. 11.

<sup>80</sup> Telephone interview with Liz Barratt, Bindmans, 16 April 2004.

## 6.5 Challenging detention- exercising the right to a bail application

There are no automatic bail hearings, but detainees are entitled to apply to an Adjudicator of the Immigration Appellate Authority for release on bail.

However, of the women interviewed for this research, six had no application for release on bail during their detention. This means that in these cases, the Home Office was not required to justify detention to an independent body at any stage.

Six women did make bail applications during at least one of their periods of detention. Of these six, two women were refused bail, despite one applying three times: it was claimed that she would abscond. She had been moved around between four different detention centres and had been detained for 61 weeks at the time of the interview. Bail applications were made within three weeks, four weeks, five weeks and twelve weeks of being detained.

Three applications were granted, one of which was on the second attempt. Two of these three women were representing themselves in court (i.e. the application was not prepared by a legal representative). Of the two women representing themselves, one application was successful and the other woman was granted temporary admission (TA) before the second bail hearing.

The women who represented themselves in bail applications described their experience and the decision they made to take matters into their own hands.<sup>81</sup> The first woman was already planning her return to her home country when she was detained. With the help of BID she submitted her evidence to the Immigration Service but they refused, saying they found her “*wholly unsuitable for release*”. However at her hearing the Adjudicator accepted her arguments and granted her bail with only one surety and reporting conditions that fitted in with her employment as a PA in the NHS.

“I wanted to fight because I knew it was wrong to detain me. I had confidence that this is an independent body. I had already checked my evidence against the grounds that IS [Immigration Service] were using [to oppose bail]. I knew that if the judge is fair there is no need to continue detaining me.” [Q12]

The second woman was encouraged by the first and described how more women should be encouraged to make their own applications:

“The main concept you have in your mind is that you depend on your solicitors... When you are dependent on your solicitor you can’t do anything.... It is needed to give confidence to people that you can fight for your bail application.” [Q13]

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<sup>81</sup> BID has published guides for detainees who want to make their own bail application. See [www.biduk.org](http://www.biduk.org) for copies of the Notebook on Bail - Part 1 and 2.

This woman also described how she had previously been offered 'CIO' bail (where the Chief Immigration Officer (CIO) offers bail at her discretion without the involvement of a court).

"I started getting used to it [being in detention] and I have to accept it. I did try and fight with immigration but nothing worked. After two weeks of detention, they asked me for two sureties of £4000 [CIO bail], but I didn't have money to pay. So I was just in detention, staying and praying." [Q13]

The offer of bail from the CIO suggests that the woman concerned was identified as someone who would not abscond. However, because of the prohibitively high demand for sureties the woman remained detained for a further 22 weeks, despite the fact that she had been given leave to appeal to the Tribunal and was awaiting a date for the hearing. She was finally made aware by another detainee that she could represent herself in an application to the Adjudicator for release on bail. This time sureties were set at £1000 (reduced by the adjudicator to £500 on request) and £500, and bail was granted.

When interviewed, she stated that

"The detention centre never told me about that [Adjudicator bail]. If I had known, I would have done it before." [Q13]

In 1999, the government legislated to provide for automatic bail hearings after seven and thirty-five days in detention. The legislation was never implemented, despite the government's statement that

"[Detention] is necessary in a small number of cases, but there must be proper safeguards. Part III fulfils the commitment in the White Paper to introduce a more extensive judicial element in the detention process. That will be achieved by introducing routine bail hearings for those detained under immigration legislation."<sup>82</sup>

The 2002 white paper, *Secure Borders, Safe Haven*, justifies the repeal of automatic bail hearings on the basis that detainees have other options:

"...the existing bail arrangements, which enable detainees to apply to an adjudicator or chief immigration officer for bail, will remain in place and we will continue to ensure that asylum seekers and others who are

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<sup>82</sup> The Rt. Hon. Jack Straw, '2<sup>nd</sup> Reading of the 1999 Immigration and Asylum Bill (Act)', Hansard, Column Number: 39, 22<sup>nd</sup> February 1999, at [www.parliament.the-stationery-office.co.uk/pa/cm/cmhansrd.htm](http://www.parliament.the-stationery-office.co.uk/pa/cm/cmhansrd.htm).

detained have effective opportunities to seek, and where appropriate, be granted bail.”<sup>83</sup>

However, the experience of the women interviewed for this research strongly suggests that many do not have ‘effective opportunities’ to seek bail. The high level of surety that can be demanded in some cases is contrary to the guidance of UNHCR, who identify release on bail as a useful alternative to detention.

“This alternative [bail] allows for asylum seekers already in detention to apply for release on bail, subject to the provision of recognisance and surety. For this to be genuinely available to asylum seekers they must be informed of its availability and the amount set must not be so high as to be prohibitive.”<sup>84</sup>

The parliamentary Joint Committee on Human Rights have cautioned that “[Judicial] safeguards are meaningful and effective only if appropriate legal advice and information are available to detainees”.<sup>85</sup> However, the government continue to reject the suggestion that bail hearings should be automatic:

“...we do not accept that there is a need for an automatic bail hearing at any point in a person’s detention. Detainees are able to apply for bail at any time to a Chief Immigration Officer, the Secretary of State or an Adjudicator to be released on bail. In addition, every person’s detention is subject to administrative review by the Immigration Service at regular intervals and at progressively more senior levels as detention continues.”<sup>86</sup>

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<sup>83</sup> Home Office, ‘*White Paper, Secure Borders, Safe Havens: Integration with Diversity in Modern Britain*’, Home Office, February 2002, p. 69.

<sup>84</sup> UNHCR, op. cit., Guideline 4, Alternatives to detention.

<sup>85</sup> Joint Committee on Human Rights report on the Nationality, Immigration and Asylum Bill, 21 June 2002, p. 32.

<sup>86</sup> House of Commons, Home Affairs Committee, ‘*Government Response to the Committee’s Fourth Report: Asylum Removals*’, HC 1006, 18 July 2003, p.8.

'they took me away'



## section seven

# impact on health and well being

"You can't separate mental from physical health. They [detainees] are terrified. The physical manifestations of terror are palpitations, breathlessness, insomnia. They get worse [in detention]. And the apathy. They are left with a sense that they could be picked off at any moment [and removed]. In terms of physical health, people suffer from headaches, nausea – inevitable reactions to what they are going through." Gill Hinshelwood, the Medical Foundation for the Care of Victims of Torture.<sup>87</sup>

The issue of mental and physical health was significant for the women we interviewed and for the organisations who work with women who have been detained. The health issues included; the way in which detention exacerbated existing health problems; poor quality health care in the centres; lack of access to interpreters and lack of access to gynaecological services and services for trauma, torture and rape.

During the interviews, women were asked to talk about their feelings since/after their arrival at the detention centre. They were also asked to provide their views on the provision of medical services and on the medical staff in detention, including communication issues.

### 7.1 Mental health

Beyond the initial shock of being taken into detention, most women felt the impact of being in detention in terms of their mental health after they had spent some time there. When asked about how they felt since/after their arrival at the detention centre, most women used more than one of the following terms: *'awful/unwell', 'feeling bad/like criminals', 'stressed', 'depressed', 'sad', 'lonely', 'upset', 'suicidal'*. Two women also said they were *'angry'*. Several reported not being able to sleep.<sup>88</sup>

Furthermore, their accounts suggest that their well-being and mental health deteriorated as a result of having been in detention, with consequences on their physical health and their ability to resolve their immigration or asylum matter. This was supported by visitor group experiences.

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<sup>87</sup> Interview with Dr Gill Hinshelwood, the Medical Foundation for Victims of Torture, 21 June 2004.

<sup>88</sup> Only one woman did not mention any negative impact on her well-being/mental health - she had already agreed to voluntary return to her country and had made her own application for bail: *"I was already so bold because of facing so many obstacles, that I became strong."* [Q12]). She was detained for five weeks in total and finally obtained bail.

## 'they took me away'

"Another difficulty I came across. One woman was in detention for 20 months. Her concentration, capacity to focus deteriorated substantially. She couldn't think of an action plan anymore. She was a perfectly bright woman, well educated and used to assert herself. But she became impossible to help."<sup>89</sup>

The unpredictable nature of detention, the fear of being arbitrarily moved around the country and never knowing when they were going to be released or removed, in addition to the often violent removal attempts they were subjected to or witnessed (see below), increased the stress experienced by these women. Attempts to commit suicide were described by two women.

A woman who had been in detention for 61 weeks at the time of the interview for this research (and finally made a 'voluntary' departure from the UK direct from the centre after another 25 weeks plus in detention) told us:

"I am feeling stressed, I am worried, at night, I have dreams about my country and when I wake up I feel very bad. You don't know what's going to happen." [Q2]

Another told about her insomnia:

"Sometimes, I can't sleep - the nurse said I should write something to take my mind off, but I can't concentrate." [Q5]

Other women talked about the prevailing depression, both theirs and that of other detainees - which must have impacted on their own mental health - and how they had suicidal thoughts:

"I have been strong because of my faith. Sometimes I get stressed and depressed but there is worse. I feel God is with me and this gives me strength sometimes. ... People have no one to talk to. One night I was given sleeping tablets because I was crying so much. I was feeling really depressed.

Life is terrible. I try not to think or worry about [the future]. I don't know what would happen if I was thinking about it. Once someone was just depressed and smashing things, I asked her why she couldn't explain. That's why I don't want to worry because I don't know what I would do if I was to start worrying." [Q6]

"I was taken to Dungavel ... in August. I went to the clinic there. I was depressed, I was crying all the time. First they gave me a quarter of the medicine dose to treat depression. Then half of the dose, then the whole medicine. It didn't work. I wasn't sleeping, I

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<sup>89</sup> Interview with Emma Ginn, 27 April 2004

was trying to hurt me. They checked on me every 15 minutes, sometimes every five minutes. A Dungavel, I had five reports with me. ...I was depressed, traumatised, stressed, I was not comfortable, I couldn't smile. I couldn't take on any activities in detention. I didn't do anything, I was too stressed, I didn't know what would happen to me." [Q9]

"I was thinking bad things in my mind. I was crying and I thought '*today is to be my last day*'. I was having pain in my hand and tummy (I have gynaecological problems). They gave me tablets of Ibuprofen. I waited til everyone went to supper, and I was going to take all those tablets. I thought '*they want to spend the money to send me back there to be killed*'. *I don't want them to spend the money, to buy me a ticket, I would rather kill myself.*' Another woman told the nurse, and she said those tablets can't do anything – the nurse said – even if you took 100 they would do nothing, only burn your stomach. We were very upset." [Q11]

"In that place, people were suffering. ...There were other women there who couldn't be strong, they were very upset." [Q10]

"They were many women who were depressed. Everyone is depressed. One woman, she was always crying, I feel sorry for her." [Q13]

One woman described how she tried to harm herself in the face of being sent back:

"I didn't talk to anyone. Another woman [detainee] spoke to me and told me to be strong. No-one was friendly [of the staff] and they didn't ask why I was upset. I stayed in my bed, but no-one asked me why. I had a lot of thoughts to kill myself - I thought 'if they are going to take me back [home], then I will do it'. I didn't want to go to the meal times. I couldn't eat. ...While they were having their lunch, I went in the bathroom. I took my clothes and I tried to find somewhere to hang the piece [the material that she had as clothing]. One woman found me and she told the DCO [Detention Custody Officer] that I hadn't eaten anything, that I had been crying all the time since I have arrived, that I was in the bathroom trying to hurt myself." [Q10]

Another woman also described how another removal letter led her to try to take her own life rather than be returned.

"On the X of December, I received another removal letter. After all this suffering. Why? I was crying... I took a headscarf and I tried to hurt me, I just wanted to die that day. They took the headscarf

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from me and took me to the security area using force. They locked me during the night and drugged me with three tablets to get me to sleep.” [Q9]

The accounts provided by the women interviewed in this research are consistent with research that shows that “*detention can induce fear, isolation and hopelessness, and exacerbate the severe psychological distress frequently exhibited by asylum seekers who are already traumatised.*”<sup>90</sup>

Organisations working with women who have been detained endorsed the women’s views that detention has a negative impact on health and well-being.

“They loose heart in detention, even if they have a good case. It places a huge burden on them... They become passive and loose their get up and go.”<sup>91</sup>

A number of studies in the UK but also in Australia and the USA have documented the impact of detention on the mental health of asylum seekers.<sup>92</sup>

In 1997, a report on the experience of women asylum seekers detained in the United States, ‘*Liberty Denied: Women seeking asylum imprisoned in the United States*’, describes:

“The stress and trauma of prolonged detention have caused individuals to develop physical and mental health problems they had not experienced previously... Many women reported physical ailments that they attributed to their prolonged detention. These include chronic stomach problems, such as nausea, heartburn, and diarrhoea...Virtually all the women interviewed were exhibiting signs of stress and anxiety.”<sup>93</sup>

More recently, the high rates of depression and post-traumatic stress disorder (PTSD) suffered by detained asylum seekers have been documented in a comprehensive medical study issued in June 2003 by Physicians for Human

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<sup>90</sup> See ‘*From Persecution to Prison: The Health Consequences of Detention for Asylum Seekers*’, op. cit., executive summary at [www.phrusa.org/campaigns/asylum\\_network/detention\\_execSummary/dr2-sum.html](http://www.phrusa.org/campaigns/asylum_network/detention_execSummary/dr2-sum.html).

<sup>91</sup> Interview with Dr Gill Hinshelwood, op. cit.

<sup>92</sup> In the UK, early research on the impact on mental health of detention of asylum seekers include: Pirouet, L. ‘Suicide and Attempted Suicide among Asylum Seekers Detained in the UK by the Immigration Authorities’, paper presented to the Institute for the Study and Treatment of Delinquency, Canterbury, 1991; Bracken, P. and Gorst-Unswor, C., ‘The Mental State of Detained Asylum Seekers’, published in the Psychiatric Bulletin, 5:657-659, 1991 (which can be found on [www.torturecare.org.uk/publications/Archive/Brac\\_2.rtf](http://www.torturecare.org.uk/publications/Archive/Brac_2.rtf) ; the Medical Foundation for the Care of Victims of Torture, ‘A Betrayal of Hope and Trust: Detention in the UK of Survivor of Torture’, 1994, London; and Pourgourides, C.K., Sashidharan, S. P. and Bracken, P.J., ‘*A Second Exile, the mental health implication of detention of asylum seekers in the United Kingdom*’, The University of Birmingham, The Barrow Cadbury Trust, 1996. For more on publications outside the UK, see Annex Z (list of references).

<sup>93</sup> Report published by the Women’s Commission for Refugee Women and Children, April 1997, available on the web at: [www.womenscommission.org/reports/liberty.html](http://www.womenscommission.org/reports/liberty.html). These quotes are taken from pages 19-20.

Rights and the Bellevue/NYU Program for Survivors of Torture. Described as the first systematic and comprehensive study of the health of detained asylum seekers, the report entitled '*From Persecution to Prison: The Health Consequences of Detention for Asylum Seekers*'<sup>94</sup> concludes:

"The Bellevue/NYU-PHR study team documented extremely high levels of anxiety, depression and post-traumatic stress disorder (PTSD) among the sample of detained asylum seekers interviewed. Furthermore, the level of symptom distress worsened the longer individuals were held in detention. These individuals described poignant examples of their suffering while in INS [Immigration and Naturalization Service] detention. Although many of the detainees had suffered substantial pre-migration trauma and reported experiencing symptoms before detention in the US, the large majority said that their symptoms grew much worse while in detention. In fact, the levels of anxiety, depression and PTSD observed in this sample of detained asylum seekers were substantially higher than those reported in several previous studies of refugees living in refugee camps and asylum seekers /refugees living in the community, further suggesting the detrimental effects of detention."

Furthermore, the study reveals that many detainees interviewed suggested that "*the experience of detention is traumatic, regardless of the conditions.*" This view is clear in the description of one woman interviewee:

"When you are there, you are so frustrated, disappointed, and it feels very intense. It doesn't matter how nice the place is - you still feel frustrated." [Q13]

In its 2004 publication, Human Rights First summarises the findings of the above PHR research as follows:<sup>95</sup>

- 'In case after case, the U.S. practice of imprisoning asylum seekers inflicts further harm on an already traumatized population.
- Detained asylum seekers suffer extremely high levels of anxiety, depression and Post Traumatic Stress Disorder: 86 percent of the interviewed asylum seekers suffered significant depression, 77 percent suffered anxiety and 50 percent suffered from Post Traumatic Stress Disorder.
- The already poor psychological health of asylum seekers worsens the longer that they are detained. Loss of liberty triggers disturbing memories of persecution suffered by asylum seekers in their home

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<sup>94</sup> A report by the Physicians for Human Rights and The Bellevue/NYU Program for Survivors of Torture, June 2003, Boston and New York City, available at: [www.phrusa.org/campaigns/asylum\\_network/detention\\_execSummary/dr1-toc.html](http://www.phrusa.org/campaigns/asylum_network/detention_execSummary/dr1-toc.html).

<sup>95</sup> Quoted in '*Liberty's Shadow; U.S. detention of asylum seekers in the era of homeland security*', Human Rights First, 2004, p. 34, available at [www.humanrightsfirst.org/asylum/libertys\\_shadow/Libertys\\_Shadow.pdf](http://www.humanrightsfirst.org/asylum/libertys_shadow/Libertys_Shadow.pdf)

countries, while the length of time in jail and uncertainty of duration contributed to the deterioration of mental health.

■ Psychological counselling services are either not available or very limited despite high levels of symptoms of psychological distress in many detained asylum seekers.'

Dr Pourgourides, a Consultant Psychiatrist who inspected health facilities and interviewed detainees on behalf of Her Majesty's Chief Inspectors,<sup>96</sup> described how women who were traumatised by past experience such as rape or bereavement were re-traumatised when put in detention.<sup>97</sup> As noted in her report '*A Second Exile*' published eight years ago: "*detention reactivates and exacerbates trauma which has been previously endured. The physical environment including the cells, uniformed security personnel, physical restrictions, searches and so on rekindle memories of previous detention torture...Detention creates trauma regardless of previous traumatic experiences producing anxiety, depression, isolation and so on.*"<sup>98</sup>

This view is shared by organisations working with women who are rape survivors;

"Detention – imprisonment - is always traumatic, particularly for women who are suffering from the effects of persecution and torture, including being raped in detention in the country they fled. Many of the women who come to WAR [Women Against Rape] and BWRAP [Black Women's Rape Action Project] have suffered repeated rape over long periods whilst held in prison, gang rape by soldiers and have witnessed the murder of loved ones. Living with the fear of imminent deportation and the conditions in detention centres in Britain which are reminiscent of what they fled often precipitate extreme symptoms of post traumatic stress disorders, such as nightmares, insomnia and panic attacks. This often leads to depression, suicidal feelings and other severe mental and physical health problems."<sup>99</sup>

One of the findings of the Pourgourides report is that "*such trauma* [induced by detention] *may be worse than what may have been previously endured. The fact that people contemplate returning to situations of trauma in their country of origin indicates that the stress of detention overshadows memories of past trauma. It was felt that all asylum seekers are suffering from trauma by virtue of being detained.*"<sup>100</sup>

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<sup>96</sup> During the inspections of detention centres carried out in 2002. She has also written numerous medical legal reports for male detainees.

<sup>97</sup> Interview held on 16 June 2004, London. Dr Pourgourides is a Consultant Psychiatrist, author of the report '*A Second Exile: the mental health impact of detention of asylum seekers in the UK*', Univ. of Birmingham, The Barrow Cadbury Trust, London 1996, 115p.

<sup>98</sup> Dr Pourgourides, C., op. cit., p. 65.

<sup>99</sup> Interview and email follow up, with Women Against Rape and Black Women's Rape Action Project, op. cit.

<sup>100</sup> Dr Pourgourides, C., op. cit., p. 66.

The women who said that they had harmed themselves pointed to a general lack of concern from the detaining authorities and detention centre staff. Although no women interviewed mentioned the use of isolation, the GDWG expressed concern about the use of isolation for people who have attempted suicide.

“In relation to suicide and self-harm, they tend to use isolation for people who are threatening suicide or self harm. It is rare for someone to actually harm themselves, but common for them to say they feel suicidal etc. People tend to go very quickly downhill in isolation as they are cut off from the close ties and friendships they have with other women in the centre.”

## 7.2 Healthcare needs of pregnant women

The lack of provision of antenatal and postnatal care in detention centres in the UK has already recently been highlighted by the Maternity Alliance and Bail for Immigration Detainees’ briefing paper *‘A crying shame: pregnant asylum seekers and their babies in detention’*.<sup>101</sup>

Worryingly pregnant women are still being held in detention and there still seems to be no systematic specific health care provision for them. Although only one woman interviewed for this research was pregnant at the time of detention, at least one other woman who was bailed from detention in May 2004 said she saw other pregnant women being detained:

“I saw people with babies weeks old - some as young as four weeks old. I also saw pregnant women, some during the first three months of pregnancy which is the worst stage. I think it’s very bad to detain pregnant women and women with small children. They are psychologically torturing people and tearing families apart.”  
[Q12]

The woman who was pregnant when she was detained in 2003 spoke about her experience:

“I had heart problems and I still have. Due to the pregnancy I had calcium deficiency and I had eye pain. When I arrived I was traumatised. I was receiving medical treatment [before I was put in detention]. After Dungavel I was taken to Tinsley House. Yes they checked me but they don’t pay attention, they don’t really give you the power to be checked properly. They just ask some

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<sup>101</sup> Published in September 2002. The paper discusses the findings of a small qualitative study in which five women recounted their experiences of pregnancy and motherhood in detention. At the time of interview for the study, two of the women had been detained for more than four months, one woman for three months and one woman for two weeks. Three of the women were pregnant and two had babies. In terms of their physical health all of the women reported extreme discomfort and pain during pregnancy.

questions... I was not given medicine. One night I was bleeding and they took me to the hospital. They called the ambulance and I ended up spending four nights in hospital. I was treated well in the hospital. In detention I never received any antenatal care or any other form of social support." [Q4]

She was seven months pregnant at the time of her detention and was still detained for a total period of eight weeks and when detained the second time, moved to three different detention locations; this despite the Immigration Services' own instructions which state that pregnant women are a category of people who are "*normally only considered suitable for detention in very exceptional circumstances*".<sup>102</sup> The practice of detaining pregnant and breastfeeding women has been condemned by the UNHCR whose guidelines state:

"...as a general rule the detention of pregnant women in their final months and nursing mothers, both of whom have special needs, should be avoided."

Despite such instructions and the UNHCR guidelines, the experiences of this interviewee and the testimony by another detainee show that pregnant asylum seekers are amongst the vulnerable groups still detained in the UK.

Whilst there is no existing extensive research on the impact of detention on pregnant asylum seekers, the Maternity Alliance and BID point to research on pregnant women in prison which has found that being in custody can have serious negative implications, for example, on diet,<sup>103</sup> support networks, access to ante natal care and exercise, as well as stress levels.<sup>104</sup>

The Maternity Alliance/BID study found that the care of pregnant and nursing women in detention centres was inadequate. The report also highlighted the emotional and psychological impact of detention on these pregnant and nursing women, who often experience acute depression, loneliness and feelings of powerlessness that can create chronic stress. Dr Pourgourides also pointed to the fact that the level of medical care provided was that of primary care level but that, unlike with General Practitioners, there are no referrals to antenatal service. It is her view that pregnant women and women and children should not be detained.<sup>105</sup>

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<sup>102</sup> Home Office, '*Operational Enforcement Manual*', op. cit.

<sup>103</sup> See section nine below for further comments on the diet available to pregnant women in detention.

<sup>104</sup> See Maternity Alliance/BID, '*A crying shame...*', op. cit., referring to Canvin, K., '*Hard Labour? Pregnancy in Prison*', Howard League Annual Conference, Oxford, 2001; Canvin, K., '*Pregnant Prisoner's Expectations for Pregnancy*', Human Reproduction Study Group Conference (Medical Sociological Group – British Sociological Association), Northampton 1997.

<sup>105</sup> Interview with Dr Pourgourides, op. cit.



### 7.3 Quality of health provision

Besides the impact on mental health, interviewees described a low quality of health care in general with no evidence of specific mental health care provided for those detained and in particular for women who had experienced trauma. The experiences of interviewees is consistent with the view of HMIP.

"Healthcare and particularly mental health care, was an issue in most centres... We also point to the need to ensure appropriate mental health care for people who may have experienced trauma."<sup>106</sup>

On arrival in detention, at least five women said they were experiencing health problems resulting from their treatment in their home country. Apart from one, who said it was not the case, the information was not available for the others. All women however described having physical symptoms or mental health problems (or both) ranging from heart conditions, back problems, diabetes, etc. to headaches, stress, insomnia, depression and suicidal feelings.

Comments from a visitor group indicate how significant health concerns become when people are deprived of their liberty, and how many physical responses women have to their incarceration.

"When people are detained for a long time, they tend to really focus on their health. Things that would be perhaps quite minor in every day life, become very stressful. They tend to be given paracetamol all the time, in response to any ailment. The main thing is, they don't feel as though they are listened to. It can be stress-related, and many of the symptoms are quite vague and definitely related to the fact that they are detained: stomach ache, headaches."<sup>107</sup>

Several women confirmed that they had been examined on arrival at a detention facility, as required by the Detention Centre Rules.<sup>108</sup> However, the inadequate provision of health care was a consistent criticism raised by the women interviewed, and was unanimously described as poor in most locations (some women also pointed to variations according to locations, see below). This criticism was made regardless of the period of detention experienced by the women for which this information was available.

The nature of their criticism was uniform in saying that the staff was often dismissive and uncaring, and that they almost always provided paracetamol and anti-depressants for any sort of ailments people complained about. The general impression was also that staff accused detainees of faking illness in order to obtain release and, as a result, the health problems raised were not treated seriously and women were not given adequate treatment.

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<sup>106</sup> Her Majesty's Chief Inspector of Prisons, *'Introduction & Summary of Findings: Inspection of five Immigration Service custodial establishments'*, op. cit.

<sup>107</sup> Interview with Gatwick Detainee Welfare Group, op. cit.

<sup>108</sup> It was confirmed by four women. The data was not available for the others.

One woman, who suffered from various ailments as a result of her treatment in her home country, provided an account of the care she received at Oakington, but also of that of two other women:

"When I arrived at Oakington I told them about the pain I had in my shoulder and they gave me medicine for this. I also told them I had heart problems but the doctor or the nurse, I don't know who it was, took my pulse and told me that it was okay, [that] my pulse was normal given that I was stressed. I could not argue with her because I thought she is the doctor. So they did not give me medicine for my heart problems.

...I had no problems with the supply of medicines in Tinsley House. In Oakington, I know of a Polish woman who had been there for three months. She said she had heart problems and was suffering from stress. She went to the doctor but you need to make appointment there and sometimes they forget about you (it happened to me, I saw the doctor only three days after) whereas in Tinsley House if you have problems you can go straight away. So this woman when she said she had mental health problems, they just told her *'we can't help you'*. Of course they can do something, they just don't want to."

"At Oakington a four month pregnant lady from Jamaica was bleeding for a week but they didn't take any action. Just when she couldn't walk anymore, all the black women went to the Immigration Officers' office and told them that if they didn't do anything, they will do something like going on strike. They took her the same evening, I don't know where." [Q1]

Another woman who was held in detention for a total period of over 86 weeks in three different locations recalled how a psychologist told her that her mental health problems would continue as long as she remained in detention:

'When I went to Tinsley House I asked to speak to a psychologist instead of taking tablets. She was coming every week but later she told me that my problems would not go away as long as I am detained ...They told me I don't have TB, they didn't care, it was very very bad. Everytime you have a medical problem, they give you panadol. In Dungavel, they don't want to help you, when you go to see them they tell you *'you are not sick'*." [Q2]

Another woman explained her frustration at not being listened to:

"I told them I have a back pain, it can be painful, I can't walk. I had a scan. I can't have an operation, the bone is bent inside, If the marrow comes out it can be really bad. They don't want to do

'they took me away'

anything. If I go to the nurses, they tell me *'it's stress, there is nothing wrong with you.'* In Yarl's Wood, they say *'no she is not sick.'* I made a complaint to managers. ...A lot of people complain. Once a doctor came to the room to check a woman who couldn't walk. The doctor said: *'she is alright'*. She had been in detention three times. I told them at the staff meeting: *'I refuse to take anything and when it will get worse, I'll still refuse, and when I will die, you will listen.'* They won't let you take medicine to your room. They won't let you get something similar to medicine. Someone tried to hang herself few days ago. I was in the same room with her in Tinsley House, it's really, really hard here." [Q7]

In another account, a woman described what she experienced as a general lack of respect for women's health concerns:

"When you are sick, it's not taken as genuine. They think you are acting, pretending. ...You can tell in the language that they use about you. I requested my medical records and I saw what the nurses wrote. When they tried to remove me from Tinsley House and took me to the airport, they gripped very hard on my arm. When I got back I saw the nurse, and I said that the pain had transferred from my arm to my neck and back. They wrote that I was behaving "funny". They don't take you seriously. They think that because we are asylum seekers that we have no brain, because we are from third world countries." [Q12]

A woman pregnant at the time of her detention shared the same view:

"When I was feeling unwell, I would go and see the doctor. They always tell you *'everything is fine'*, even when you feel really sick." [Q4]

Three women commented:

"Sometimes it's as if we are bothering them, they cannot do anything, that's what they say. They only give you paracetamol. ... They know that people in detention are ill. The doctors in detention never tell you the truth. When you are ill, they always tell you that you are okay." [Q9]

"They don't have proper doctor – they just give paracetamol." [Q10]

"It's not very good. They finish everything on paracetamol. I had terrible headaches... I used to do gym to try to keep myself healthy." [Q13].

*'they took me away'*

Some women perceived that serious ailments were neglected and women were left to feel they were faking them or a nuisance:

"I have problems with my knees- I couldn't walk properly. When they look at you, they look like they're caring, but then when you walk away, they say you are lying. Because they think you do everything you do, because you don't want to go home." [Q11]

One woman, who was suffering back problems as well as diabetes, said:

"I have back problems, they gave me medicine but it's not working. I bother them, I can tell I bother them. I still feel the pain. Sometimes they give me paracetamol. If you ask for a consultation for today, they will only come tomorrow. I bother them. It's hard in prison, I don't feel well." [Q8]

Women were also aware of the lack of care provided through the experiences of other detainees. One woman recalled:

"I forgot to tell you, there was one Indian lady, aged 55 or 60. They took her for treatment – she was crying, screaming and they took her in the van to hospital. When they brought her back, she slept two days without waking up [she had been given drugs]. No one came to check on her, to see if she was okay and no one asked why." [Q10]

This woman's treatment – or lack of care – was also witnessed by another woman we interviewed:

"One woman, she is still there since October,<sup>109</sup> she's diabetic. She has water coming out of her toe. She went to see the nurse, and they said it's because of the shoes and they didn't give her anything. But she was wearing sandals, so how could it be because of the shoes? They never think about taking you to hospital- they just give paracetamol and tablets for depression." [Q11]

Subsequently, after having been released on temporary admission, the interviewee reported that her eyesight had deteriorated following the poor or lack of treatment she received for her diabetes when held in detention.

One of the women in our research was a young detainee who escaped 10 months of torture from prison in a war-torn country after her husband had been suspected of committing a political murder. She had a history of depression and self-harm both before and after detention (and had psychiatric treatment pre-detention). Like the other women, she recalled that health problems were not taken seriously:

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<sup>109</sup> The interview took place at the end of March 2004.

"They told me I couldn't get treatment [for my cyst] in detention. They only give you paracetamol. If you are ill, they always tell you that you are pretending to be ill to get out." [Q9]

However her full account describes a shocking picture of how she was treated in terms of medical care throughout her detention period. The following extract is her narrative of what happened after a failed attempt to remove her:

"They took me to a police station in London. The police asked if I had any medical problems. The medical escorts said I didn't. I asked them *'why are you lying?'*. So the police asked me what were my problems. They called a doctor. I had bruises on my body, my lower stomach was very stiff, I couldn't move.

The doctor wrote a note to the immigration services to take me to the hospital. One hour after I was on a drip. The doctor in the hospital asked me if someone had beaten me on that day. I said yes. He told me *'you are in a lot of pain, I am going to give you medicines and we will take a scan.'*" [Q9]

Subsequently, she was sent to Dungavel. She described her experience with medical care there, which included being handcuffed during a visit to hospital. She said that she remained handcuffed whilst being examined by the doctor and that Immigration Service staff were present at all times:

"I was sent to Dungavel. We arrived at 5 o'clock in the morning. It was [my] second time [there]. The immigration officers in Dungavel told me: *'X..., is it you?'*. I was walking with my body bent. They asked me what they had done to me, I told them *'they beat me.'* They told me to make a complaint, they told me: *'you have to make a complaint.'* It's the immigration officers in Dungavel who told me that.

The nurses told me I would see a doctor on the same day at 10 o'clock. I was crying I was so much in pain when the doctor was checking me. The doctor wrote a medical report and prescribed some strong medicines against the pain. Sometimes I was taking up to 13 different medicines.

They took me to hospital after two days. They handcuffed me with an immigration officer. At the hospital they didn't take off the handcuffs, they just used a long chain.

I was feeling really bad because of the pain, I couldn't stop moving when lying on the bed. The doctor asked me some questions. They [the immigration officers] heard everything to do with my

'they took me away'

medical report. The law says that one's medical report should be kept confidential. The doctor checked me when they were there and they saw everything. Where is the respect?

When the doctor finished, I started to cry. I told them 'I didn't like what you did'. One officer told me 'I understand, I can't do anything, the other officer refused to take off the handcuffs'.

My brother called whilst I was in the hospital and he spoke to one of the officers who made the following comment: *'he is asking stupid questions'*. I was supposed to come back to the hospital the day after. When we left the hospital he abused me verbally. I told the manager *'if you take me to the hospital with handcuffs, I prefer to stay here with my illness'*. The nurse had even asked to take the handcuffs off but one of the officers refused. I was asking myself *'what have I done in this country?'*

I made a formal complaint. I asked why they hadn't respected the confidentiality of my medical record. Why they kept me handcuffed even in the hospital. Until today, they never replied to this complaint."

Other interviewees described their problems including the interruption of supply of medicine:

"In Harmondsworth, I was taking medication, anti-depressants. When I was in Scotland [Dungavel] they gave me tablets, but then they changed the tablets, and then again gave me other tablets." [Q2]

"I was on antidepressants at Oakington but they took it off me at Tinsley. For three days I didn't take it. They said that they didn't have it in stock. I was also taking anti-depressants in Morton Hall. They booked me an appointment to see a counsellor in Morton Hall, but they moved me. ...The staff are really nice here [at Yarl's Wood], but they didn't receive my medication [anti-depressant]." [Q5]

A woman who had no interruption in the prescription of her medicines after being detained felt she needed more:

"They carried on prescribing me medicines. But I need my personal doctor. Because he is the one who knows me, since I first went to visit him." [Q8]

'they took me away'

One positive account of the health care provided is given by a woman who, by her own admission, is not usually a complainer:

“I am someone who never complains. I keep myself to myself. When I was sick, they really checked me but I have never been sick, only once in Scotland, I had a headache but they were really attentive. ... Scotland was the best. The staff was friendly, the management really helpful.” [Q6]

As this account testifies, women who had been detained in different locations pointed to variations in staff attitude and the quality of health care provision in general. The appreciation of the quality of medical care provided may also have been influenced by the period of detention experienced although no conclusions can be definitely reached in this research.

One woman described the medical staff at Tinsley House as more human (than in Oakington), with easy access to doctors when required. Out of 10 women who had been in Tinsley House and at least in one other location, only two said that health care provision was good or alright. Healthcare provision was described as poor and staff uncaring and dismissive at Harmondsworth and Dungavel by another detainee, and one also said that the medical staff dismissed complaints at Tinsley House and Yarl’s Wood.

A detainee who had been in Dungavel for four months said the medical staff was ‘*attentive*’ (see above), whilst another one who only stayed there for a few days, as opposed to several months both in Tinsley House and Harmondsworth said:

“In Tinsley House the staff was OK. In Harmondsworth, it was not okay and in Dungavel it was worse.” [Q2]

Overall, the testimonies provided by the women do not suggest that the healthcare provided to them was to the standard of the National Health Service nor that it included the promotion of well-being. This conflicts with the expectation of HMIP who state

“We expect healthcare to be provided to the standard of the National Health Service and to include the promotion of well-being as well as the prevention and treatment of illness.”<sup>110</sup>

Dr Pourgourides is not convinced that the medical needs of detainees are being met.<sup>111</sup> Amongst the shortcomings she highlighted was the lack of access to a female doctor if one wanted this; lack of access to a second opinion; and lack of access to 24 hours medical cover, especially if one is deprived of his/her liberty.

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<sup>110</sup> HM Inspector of Prisons, ‘*An inspection of Tinsley House immigration removal centre*’, op. cit.

<sup>111</sup> Interview with Dr Pourgourides, op. cit.

Also there are no gynaecologist services provided and no preventative health care for women such as breast screening and smear tests.

In addition, she pointed to the fact that medical healthcare provision in detention centres is not subjected to any monitoring system, and apart from HMIP's visits, nor is it subjected to any external scrutiny. She also said that sub-contraction of health services by security firms such as Group 4 to private medical services like Forensic Medical Services are usually '*commercially sensitive*' and not transparent. These concerns had already been raised in her report published eight years ago:

"Concerns (...) were discussed at length by the health professionals group. There is no clear accountability within the service. No one is identifiable to answer questions or provide information on the contract, the on-call arrangements, or the arrangements for auditing the standard of care. Requests for information regarding accountability have been met by indications that the information is '*commercially sensitive*'. It is known that there is no provision in the contract for remuneration for call out visits or additional services such as counselling."<sup>112</sup>

## 7.4 Communication and health issues

According to the accounts given by interviewees, it is clear that the provision of care is greatly undermined by the lack of systematic provision of interpreters in most detention centres.

In her summary of findings concerning the inspection of five Immigration Service custodial establishments (April 2003), Her Majesty's Chief Inspector of Prisons for England and Wales concluded: "*The provision of interpreters and translated information for those who did not speak English was poor in all the centres except Oakington. Other detainees were used in this role which [was not appropriate] for important and sensitive interviews...Significant proportions of detainees did not understand...what the centre doctor or their legal representatives had said to them.*"

Seven women spoke fluent English so did not require interpretation services. One woman who spoke '*little*' English said there were no problems communicating with the medical staff. However the account provided by the other women shows that no improvement was made since HMIP's comments on the provision on interpreting services. Some English speakers were also able to comment on the lack of such services or the inability for some women detainees to communicate properly with medical staff. One woman also pointed to the fact that the communication problems were not just a language issue: in her opinion, detainees were also denied the opportunity to express themselves.

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<sup>112</sup> Pourgourides, C., '*A Second Exile*', op. cit., p. 69.



One woman said:

"In Tinsley House (TH) the nurses were nice. I was able to tell them about my problems because I speak English. You need to speak English or to have someone with you who speaks English.

In Oakington, I can't say that I asked them about interpreting and they didn't provide it to me because I didn't. Everything was done very fast so I didn't ask. In TH, I didn't need [interpreting] because by then I had learnt enough English, I was also interpreting for my friends but they don't have interpreters because they will always find someone detained to interpret. When I first did it, I heard in the speakers they called for someone who speaks [my language] to the control room; I interpreted for two families and they gave me a phone card. But after that they did not give me anything anymore even if I interpreted once or twice a week.

One of the women working there was a woman [from my country], she was working with children, but she said she couldn't speak too much with us because she might lose her reputation." [Q1].

A mother detained with her three children in Dungavel commented:

"Sometimes I understood, sometimes I didn't. There was no interpreter." [Q3]

Other interviewees also confirmed communication barriers:

"There were communication problems because they don't really give you the opportunity for us to say what we want to say." [Q4]

"A lot of people don't understand, they don't speak [English]. I never knew the UK could be so hard." [Q7].

"It's difficult. But you can make efforts to understand. There is nobody that speaks your mother tongue to explain." [Q9]

The women's testimonies were confirmed by Dr Pourgourides's own experience: in her opinion, based on her visiting several detention facilities, there is a huge problem of access to interpreters and current provisions like '*Language line*' remain inadequate as far as medical assessment is concerned:

"Whilst everyone is saying that there is such an access, in practice it is not there. Interpretation is provided through fellow detainees, which is inappropriate especially in sensitive cases like rape or if personal matters need to be raised. In my knowledge, it is very rare that an external

interpreter is brought in for medical consultation. Language line is meant to be on offer but I don't know if it is the best way to conduct a psychiatric interview. Some people like it though because calling an anonymous person is not so embarrassing. However you can't do an adequate assessment."<sup>113</sup>

Lastly, she points to the problem of medical information transfer between different detention centres or when a detainee is released: '*Vital information is lost in the process, it is a huge waste of resources.*'

The issue of interpretation and the impact of isolation on detainees is also highlighted by a member of one Gatwick visitors' group:

"In terms of accessing medical services, it's mainly a real frustration that people can't communicate properly. They just get so frustrated and there aren't interpreters. They do tend to find someone of their language group in the centre who can interpret, but I think that certain groups do remain very isolated. For example, the Chinese and Asian detainees."

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<sup>113</sup> Interview with Dr Pourgourides, op. cit.

## section eight

# safety and ill-treatment

"1.5 Detainees are unlikely to experience feelings of safety and security. Some will have been imprisoned elsewhere in less than humane conditions; for others, this will be their first experience of a custodial environment and in a strange country. None will know how long they are to be held or whether they will be able to remain in the UK." (HMIP, *Introduction and Summary of Findings: Inspection of five Immigration Service custodial establishments*, HM Inspectorate of Prisons, April 2003, p. 5).

We asked nine of the women to describe their feelings in relation to their safety (and that of their children when applicable) whilst in detention. They were asked to comment on staff attitude (and in particular problems of interaction with male staff); and to evoke any problems (physical/verbal abuse or unwanted sexual attention) they may have experienced either with another detainee or a member of staff; and any similar incident they may have witnessed; lastly they were asked about how they felt about the use of communal areas (when relevant).

### 8.1 Feeling safe when detained?

Four women told us they were 'scared' (including one who said she was scared of other detainees and another one who said she was scared of officers in Tinsley House). Two others mentioned being bullied or feeling harassed. Other women did not make any particular comments but one said that Yarl's Wood was better as a women-only facility and another one also said that the women's section at Dungavel was safe as it was always locked.

As highlighted by HMIP, the women below depict how the nature of the detention regime (including constant monitoring and random knocks on the door) did nothing to alleviate their fears, but instead heightened their levels of anxiety about what would ultimately happen to them:

"In a way when I arrived at Oakington I felt safe because I thought the people who hurt me can't take me again. But in other ways, no I didn't feel safe because I felt anything could happen to you."  
[Q1]

'they took me away'

"Every time, they check you every 30 minutes in your room, even at night. You don't know why. You don't know what is happening. ...It's disturbing. Why, when you are sleeping someone come to check you out? They are checking you. Even if you are sleeping, they check your room at any time. It's not good, it's like a prison."  
[Q3]

"When they knock on the door, you think, '*What is happening next?*' This morning they called us to be searched. I was scared, especially when you haven't heard anything from immigration."  
[Q6]

## 8.2 Ill-treatment during removal attempts and transfers

A major factor affecting women's feelings of safety is the fear of being removed reinforced by their own experiences (in cases of repeated removal attempts) or witnessing/hearing about removal attempts of other detainees. The disproportionate use of force during removal attempts also contributes to the fear factor as it may not only cause harm to the detainee but trigger past experiences. As highlighted in *A Second Exile* eight years ago, "*refusal of an asylum claim or threatened deportation also reactivate the previous traumatic experiences.*"<sup>114</sup>

Although most of the women we interviewed were not removed, five had had attempts made to remove them. One woman who won the permission to remain in the UK had four attempts made to remove her during her time in detention. Another woman who was given TA after bail was opposed and two removal attempts had been made is still in the UK, reporting and waiting for a decision on a fresh asylum claim after almost 24 weeks of detention.

Another woman experienced three cancelled attempts, as she was waiting for a referral to the Medical Foundation. She only managed to prevent the first attempt by last-minute phone calls to her solicitor from the airport, just before the flight was due to leave. These repeated removal attempts had serious effects on the well being of the woman concerned, who was already scared and traumatised by her experiences prior to her arrival in the UK.

"It was too much for me psychologically. I told my psychologist that I would not eat anything anymore. Because I thought they might drug me and remove me. So I decided I won't take any medicines anymore. I will fast for two weeks and either I will die or God will help me... I was terrified because I used to take medicines, antidepressants in the morning and sleeping tablets in the evening.

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<sup>114</sup> Pourgourides, C., op. cit., p.66. See also The Royal College of Psychiatrists, Press Release, 'Psychiatrists call attention to the desperation of asylum seekers - but warn against over-medicalisation of their distress', Annual meeting 2003, 30th June to 3rd July 2003, Royal College of Psychiatrists, Edinburgh International Conference Centre, at [www.rcpsych.ac.uk/press/preleases/pr/pr\\_462.htm](http://www.rcpsych.ac.uk/press/preleases/pr/pr_462.htm).

My psychologist told me *'you cannot stop taking the medicine like this'* [Q1]

One woman who was pregnant was taken to Gatwick airport to be removed, but officers agreed not to send her when she said she was not fit to travel.

A young woman in our research experienced two attempts to remove her to her country still embroiled in civil war. She had suffered severe torture in her home country and had psychiatric treatment prior to her detention. She was detained at Yarl's Wood when officers came to her room at 3am and said they were removing her. She had not been served with a removal notice. She refused to go; they pushed her onto the floor, beat her, handcuffed her and took her to Heathrow. Because she was so distressed, the pilot refused to let her on the plane. She was then taken to a police station, where the police doctor referred her to hospital due to the injuries she had sustained during the removal attempt. Her account is reproduced below almost in full:

"It was [a] Saturday, at 3am. All day long on the Friday, nobody told me anything. They knocked on the door and came straight into the bedroom. They switched on the light. *'...You need to leave the room.'* I asked them *'where am I going?'* [They replied:] *'You've got to move.'* I asked them again *'Where am I going?'* Then I said, *'Okay, if you are not telling me where I am going I am not moving.'* They started to pack my stuff. I took off my clothes, I was naked, in order to defend myself, so that they won't take me away.

One of the officers went to get some men officers. They came and they forced me to move, I was crying, I was screaming... They pushed me on the floor and they beat me with their feet on my back. I was crying *"help, help, help"*. Another officer tried to take my hand and put it in my back. I tried to bite him/her. They pulled my head back, I couldn't breathe any more, I was shouting, *'I'm going to die.'* When I was shouting, everyone woke up but the officers were blocking the view, they stood in front of the doors. They took me out of the bedroom and put me in the hallway. ...I took a sheet and tried to hurt me. They took the sheet from me using force. I tried again. I didn't know what I was doing anymore. I washed my face with toilet water. I thought they were going to kill me. I told myself *'English people are starting to kill people.'* I couldn't contact anyone.

They told me *'lie down on the floor'*, I asked them why, and they pushed me on the floor using force. An officer put his/her foot on my back and they handcuffed me. They covered me with a blanket and took me to the Control Room. There the women saw me through their bedroom window panels but they didn't know where [the immigration officers] were taking me.

*'they took me away'*

In the control room there was two men and a woman. They told me *'we are going to travel with you to [your country].* I told them *'I am not going anywhere.'* Because nobody had told me anything. They told me *'your solicitor is informed.'* I replied *'which solicitor?'* They took me handcuffed to the car using force. There were medical escorts. On the way, they stopped the car because I could not breathe anymore. I have asthma, I was looking for my dispenser.

At 5 o'clock in the morning, we were heading to Heathrow, they gave me a mobile phone. I called my solicitor and left a message. ...I called my friend in Sheffield and I told him/her: *'I am in the car, heading to [my country].'* At this moment they told me *'shut up, if you don't close your mouth, we'll take back the mobile phone.'*

We arrived at Heathrow. I saw the flight, it was Air France. I told them *'I am gonna die. The immigration agreed that they send me to die, in the country with the rule of law.'*

The woman [officer] told me to shut up. Someone opened the door of the car, my hair were all over the place, I was barefeet, I was handcuffed... When we got on the plane, I was still crying. The pilot came out [of his cockpit] and said *'I am not taking her.'* The immigration officers tried to insist to get me on. The pilot refused categorically.

We got off the plane. I was still crying. They told me *'shut up, you are not going anymore.'* In the car, they took off the handcuffs. We waited for 30 minutes before they knew where to take me to.' [Q9]

She was returned to Yarl's Wood, then transferred back to Dungavel. Another attempt subsequently took place two months later, but the flight was cancelled. She applied for bail as she needed medical treatment that was not available in detention, but was released on temporary admission shortly before the hearing.

The attempt to remove her was also witnessed by another detainee, one amongst several women who witnessed removal attempts where force was used and found such incidents distressing:

"At 2 a.m. we heard someone screaming, crying in Lingala and French, calling our names. *'They're killing me, they're beating me.'* Somebody stood in front of our room [so that we couldn't see]. She was without trousers, only pants. They wouldn't let us see her. She had no shoes, they just put a blanket. They handcuffed her. She was explaining to us, 'I don't have any letter – I had nothing

*'they took me away'*

for deportation.’ They beat her – you just know she is suffering.” [Q11]

One woman recalled what she called a ‘*horrible*’ incident. She refers to a removal attempt involving a 17-year-old detainee:

“There was one incident, it was horrible. ...One night she woke us all up, she was screaming because she was about to be removed. Her room was on the same floor as mine. But an officer was staying in front of the door window panel and we saw that there was an officer in front of every door. And there were four or five officers in front of her door and more inside. They tied her hands behind her back, she was asking for help, she was screaming, she was so powerful. They kept her head in a bag and she lost consciousness for a few minutes and then she regained consciousness when they were trying to put her in a car. And she screamed again and there they handcuffed her. After this it was horrible, you imagine this can happen to you too.” [Q1]

For several other detainees, accounts of removals that they heard about added to their feelings of insecurity:

“But the worst thing is the times when they take women to the airport. They are really scared and when they come back they tell the stories of what happens. I couldn’t believe it as I didn’t think men could do that to a woman [bends her arm back].” [Q5]

“There was a Congolese woman that they deported, she didn’t want to be deported. They beat her, and handcuffed her at two o’clock in the morning. I didn’t see it.... There is tension. There are pains. That’s life.” [Q8]

Some of the experiences described in the narratives above are echoed in the Ombudsman’s report of the inquiry into allegations of racism and violence at Yarl’s Wood:

“Detainees reported, however, that force was used against them during airport transfers. One written submission was made about this: “Sometimes when you came back from airport, and they see that you didn’t [go], they start saying, ‘Why can’t you go, we don’t want you in this country’, and also most of the escorting to airport, beat you, brutalise you. Because they believe there is not press or anybody to rescue, after they beat you at the airport the officer, they will start to tell you they are sorry even if they are protecting themselves is not that you beat and brutalise people like a slave...” In conversation, a detainee referred to being “beaten” at the airport when she resisted removal, and

‘they took me away’

on another occasion being forced on to a plane and dragged on the floor, sustaining injuries to her legs and neck."<sup>115</sup>

Others, such as members of visitors' groups who have regular contact with detainees, corroborate the women's accounts of resisting removals whilst being ill-treated by escorts or immigration officers. Below, one provides an insight on how the use of excessive force is justified by immigration authorities:

"...people have such complex cases. They are often at the stage where bail is very difficult- they have removal directions, resist, get returned to the centre, get removal directions again, resist etc. Women do resist removal- a lot take their clothes off, shout and scream- they don't always resist violently I have heard of people scratching - how can they against three officers? Women do report being violently and physically restrained by the escorts, Wackenhut, and the removal companies- Loss Prevention International. We hear less often about women being ill-treated when they are being detained, or picked up from home. It's more feeling degraded, being jostled, not being abused necessarily, but not being treated very humanely. Women don't tend to complain about their treatment on transfers between centres, either. It tends to be more when they are taken for removal. In a case recently, a woman who resisted ended up in hospital after her arm was bent back. It's really difficult to prove though- it's our word against theirs. They just retort by saying that the level of violence was commensurate with the way in which the detainee resisted removal and restraint."<sup>116</sup>

Furthermore, such accounts are also corroborated by increasing anecdotal evidence - mostly collected through the media and also based on accounts of people working in the field, including solicitors and barristers - pointing to the use of excessive force amounting to violence and serious ill-treatment during removal attempts. A number of cases have been recently highlighted in the press:

In December 2003, a young Iranian woman with a heart condition reported being attacked, punched and beaten by security guards (three male and one female) whilst an attempt was made to remove her and her husband from the UK: "*One of them put her leg in my neck and pressed me on the chair, and one of them pulling my hair, and I'm just crying and screaming... They be very very angry and one of them pushed my head on the wall*".<sup>117</sup> She described how both she and her husband were punched several times following their screams and verbal protests, in the van taking them to the airport but also on the aeroplane. According to her account, the pilot refused to fly and cabin staff

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<sup>115</sup> Prisons and Probation Ombudsman for England and Wales, *'Investigation into Allegations of Racism, Abuse and Violence at Yarl's Wood Removal Centre'*, April 2004, p. 21.

<sup>116</sup> Interview with Gatwick Detainee Welfare Group, op. cit.

<sup>117</sup> Scotland Today, 'Call for investigation into claim Iranian couple were beaten', 8 December 2003; and Positive Action in Housing, 'Brutality Claims by Dungavel Couple', 8 December 2003 at [www.paih.org/](http://www.paih.org/).



ordered the guards off the plane after witnessing the violent treatment they suffered. One of the security guards allegedly confirmed that he was allowed to beat detainees and said he was just doing his job.

In May this year, the *Observer* reported on “a scandal involving systematic physical, mental and verbal abuse of asylum seekers in British detention centres.”<sup>118</sup> One case mentioned was that of Bernice Wairimu Mamau, a middle-aged Kenyan woman who was alleged to have received facial injuries after resisting deportation by three escorts. The *Observer* quotes newspaper reports describing how passengers on the flight had been shocked to see her swollen face and cheeks. It further says: “Scores of civil lawsuits are being launched by asylum seekers who claim they have been assaulted by detention centre staff and escort teams.”

A few days later, Jess Hurd, a British photographer, witnessed the use of what she described as “excessive force” when an attempt was made to deport three women and three children to Lithuania (days before Lithuania was due to join the European Union).<sup>119</sup> She described the women as being “visibly upset”, one of whom “appeared to be writhing in pain.” A woman in her mid-30s was only wearing her underwear. The attempt failed after the photographer objected to their treatment and refused to travel on the flight with the women on board.

Zenab Traoure, a young mother from Guinea, claimed she was assaulted by immigration officers on a second attempt to deport her since being detained at Dungavel at the end of May this year.<sup>120</sup> Subsequently an attempt to remove her to her country failed when the Guinean authorities refused to let her and her 16-month old daughter enter the country. She was flown back to the UK within 24 hours. In mid-August 2004, a dozen immigration officers and police allegedly smashed her front door searching for her. She was later separated from her baby daughter and driven to Oakington before being released 24 hours later, 130 miles away from her home.

Another woman testified to journalist Natasha Walter how on 10 July 2004, “nine officials had restrained her physically by pinning her by her arms, twisting her neck and sitting on her back.”<sup>121</sup> The attack was witnessed by her 15-month old child who became distressed. The mother asked the immigration officials to take the baby to his British father, but instead the child was put into foster care. In the course of her investigation, the journalist spoke to two other women with young children who were mistreated: one of them had an asylum claim still

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<sup>118</sup> Jamie Doward, ‘Abuse is “systematic” at asylum detention centers’, in *The Observer*, 23 May 2004, at <http://society.guardian.co.uk/asylumseekers/story/0,7991,1222857,00.html>.

<sup>119</sup> Armit Hathwal, ‘Photographer witnessed and prevented deportation’, Institute of Race Relations News, 27 May 2004, at [www.irr.org.uk/2004/may/ha000018.html](http://www.irr.org.uk/2004/may/ha000018.html).

<sup>120</sup> See Paul Willis, ‘Asylum seeker’s ordeal in the UK’, in *Leeds Today* (online), 16 August 2004 at [www.leedstoday.net/ViewArticle.aspx?SectionID=39&ArticleID=839634](http://www.leedstoday.net/ViewArticle.aspx?SectionID=39&ArticleID=839634); also from the same author, ‘Asylum fight: Now mum is detained in Leeds’, in *Leeds Today* (online), 12 August 2004, at [www.leedstoday.net/ViewArticle.aspx?SectionID=39&ArticleID=837541](http://www.leedstoday.net/ViewArticle.aspx?SectionID=39&ArticleID=837541); and ‘Asylum Fiasco’, in *Leeds Today* (online), 2 July 2004, at [www.leedstoday.net/ViewArticle.aspx?SectionID=39&ArticleID=816719](http://www.leedstoday.net/ViewArticle.aspx?SectionID=39&ArticleID=816719).

<sup>121</sup> Natasha Walter, ‘Women and children first, deportations of asylum seekers have taken a vicious turn’, *The Guardian*, 14 August 2004.

pending. The other experienced two attempts to remove her from the UK along with her two-year-old daughter, a British citizen who cannot legally be removed. She described how she was threatened with physical ill-treatment and how her daughter was held by one officer as a mean to entice her onto the aeroplane: *"This officer shouted and grabbed me and pulled me up and down. Then they pointed to this group of men in suits and said, if you're not going they will handle you physically and you will see who is the winner. Then they grabbed my daughter off me and held her. I said, let me hold her. She started crying. He was holding her so I had to follow them to the aeroplane."*

According to Walter, *"individuals working in this field say there is an increase in allegations of serious ill-treatment of refugees in detention centres or during deportation attempts."* And according to them, women with young children are being specifically targeted for detention and deportation as it is thought that they will *"go quietly."* Walter concludes: *"what is shocking is that harsh treatment seems to be increasingly targeted at women and children."*

Besides the use of excessive force, several women also reported being moved around between detention centres without warning or explanation and removal attempts occurring in the middle of the night without notice. In addition women were released without adequate preparation time. Such practices contravene the standards set by HMIP according to which: *"detainees [should be] able to keep in contact with the outside world and prepare for their release, transfer or removal"*<sup>122</sup> and *"Immigration and centre staff should give detainees adequate notice of any movements."*<sup>123</sup>

One woman interviewed for our research had been in Dungavel for three weeks. She was taken in a van to Gatwick airport via Manchester and Heathrow, with her three children (one a baby). They arrived at Gatwick in the early hours of the morning. The next day, after a phone call from BID, when she was told that her brothers had got in touch to try to help her, she was told she was to be released. She was given a train ticket and left struggling with her three young children and luggage.

The lack of preparation of detainees for transfer, release or removal was highlighted in the Inspectorate report suggesting that no progress has been made on this matter since its release last year:

"1.25 After detention, many detainees will be removed to their countries of origin. Others will be transferred to other places of detention. Some will be released into the community, permanently or temporarily, some for the first time and some to take up their lives again. These decisions are made by the immigration authorities; and detainees need advance notice and preparation for these major moves. We found little evidence that this was provided in any centre. Indeed, in some, officials told us

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<sup>122</sup> One of the four 'tests of a healthy custodial environment', HM Inspectorate of Prisons, *'Introduction and Summary of Findings: Inspection of five Immigration Service custodial establishments'*, op. cit., p. 9.

<sup>123</sup> Strategic Recommendations No. 14, *ibid.*, p. 11.

that they withheld information about removal or continued detention from some detainees until the last moment. In some cases, this meant that they were unable even to inform families and legal representatives of their removal from the country. These hurried, and sometimes deceptive, arrangements were apparently designed to minimise security and self-harm risks. However, we consider that those risks should be managed properly, rather than evaded or passed on to the next centre. We point out that if detainees are not properly prepared for removal, they are more, not less, likely to create security and control problems at the point of departure.”<sup>124</sup>

Also, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) states that:

“41. Operations involving the deportation of immigration detainees must be preceded by measures to help the persons concerned organise their return, particularly on the family, work and psychological fronts. It is essential that immigration detainees be informed sufficiently far in advance of their prospective deportation, so that they can begin to come to terms with the situation psychologically and are able to inform the people they need to let know and to retrieve their personal belongings. The CPT has observed that a constant threat of forcible deportation hanging over detainees who have received no prior information about the date of their deportation can bring about a condition of anxiety that comes to a head during deportation and may often turn into a violent agitated state.”<sup>125</sup>

### 8.3 Staff attitude

Whilst some said they encountered no problems with detention staff (one pointed out that if detainees ‘behave’, no problem will arise) several mentioned incidents. For instance two women told us of an incident involving detainees being mishandled by officers:

“The immigration officers sometimes shout at you. But the worst thing is the times when they take women to the airport. They are really scared and when they come back they tell the stories of what happens. I couldn’t believe it as I didn’t think men could do that to a woman [bending her arm back].” [Q5]

“I know about a couple from Moldova. I can only tell you what they told me. They were in Dungavel. The woman was pregnant and had missing teeth so she couldn’t eat properly. She didn’t eat for three days and then she wanted to drink milk but there is only milk for children. She couldn’t speak English but she wanted to drink

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<sup>124</sup> Ibid., p.10.

<sup>125</sup> CPT, op. cit., p. 76.

the milk so she took the cup. An officer took the cup from her and pushed her away and she reacted very aggressively. Her husband came and they told him nothing, everything is fine. When the husband left, they took her in a cell and gave her an injection. She was given a blanket to sleep on the floor. When her husband found out, he told the officers that she couldn't sleep on the floor because she was pregnant and she might miscarry. After two days she had a miscarriage." [Q1]

Another one recalled how staff provoked detainees in situations that can turn into unnecessary conflicts:

"One day I wanted to do my hair. First they told me I could and then they refused that I go to the saloon to do my hair. I told them I would do my hair in my bedroom. They came in numbers to take away my hair products. I took my hair products and laid in the bed with them. They told me "we'll force you to hand in the products." They went to get the manager and five of them came back. The manager told me "give me the hair products, you could get hurt." So I explained to the manager that I had only asked to do my hair in the hair saloon on that day and that they refused me to go to the saloon. He turned to the officers and asked them *"why did you refuse her to do her hair? you are provoking her."* The officers remained silent. The manager asked me to give him my hair products and promised me that he would give them back later so that I could do my hair. At 2.00pm they came back and I was allowed to do my hair in the hair saloon. These are the things that they do to you at Yarl's Wood." [Q9]

In some cases, women condemned staff behaviour in terms of the way detainees were verbally addressed rather than relating it to specific incidents. Two women described how they were left to feel 'like a child' when dealing with detention staff:

"At 6pm, the escorts came and we went to Yarl's Wood. The same people [the escorts] that had beaten me up. They locked me in the security area. I asked if I could wash myself, they allow me to wash myself with cold water. I complained but they just replied *'just wash yourself'*. No one asked me if I wanted to drink or eat something. All day long I had nothing to eat or to drink. The only glass of water I had is when I took the medicines [at the hospital]. The next morning they came to me and told me *'you will have to listen to all what we tell you. You will have to agree with what we tell you, if not you will not be allowed to wash and you will not be allocated a bedroom.'* I felt like a small child." [Q9]

'they took me away'

"We are here because something pushed us to flee our country. They [the staff] treat us as a child or as a criminal. ...They need to have respect, they are speaking without consideration. ... They monitor our behaviour, take notes. After one of two weeks they give you a voucher, if you are bad they take it back. You get three chances to be good. I said *'take it, I don't want it, take it back, I am not here to get your vouchers.'*" [Q11]

One of the woman also mentioned feeling dehumanised, when words rather than names were used to designate detainees:

"Even at the clinic, they say *'can I bring one 'finger' from Wing X?* We don't have names anymore, they call us 'fingers'." [Q9]

One person described attempts by staff to demoralise detainees by withdrawing or falsifying information about releases, in order to undermine any hope women could have about the outcome of their own detention:

"If people are released, Group 4 will lie and tell the other detainees that they have been transferred."<sup>126</sup>

Some women were able to differentiate amongst individuals and appreciate when staff were nice to them:

"I have a problem with one male officer. One day I asked to speak to him. He told me *'I will give you a strike* [warning].' I asked to talk to a manager and to call the officer. I put a complaint in writing. I asked the manager to ask him why it is an offence to ask to speak to the officer. I hadn't spoken to him yet but he said it was an offence [to ask to speak to him]. This is just because of racism. They just do it because they are too big, have power just by putting some clothes [uniforms] on. Some of them are really nice. ...Some of them are too personal. Some of them would allow me something. Another would not. According to who you are. This the way it goes. One officer nobody never complained about her." [Q7]

"Some officers are nice, some are abusive." [Q9]

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<sup>126</sup> Interview with Emm Ginn, op. cit.

## 8.4 Safety in mixed accommodation

None of the women we interviewed raised any issues with having to deal or being dealt with by male immigration officers. However, women expressed different views on being held in mixed accommodation. For some, it was not an issue or they simply did not comment on it, other than saying that they were able to use mixed facilities without any problems. For others it raised a number of issues. Three women said they felt uncomfortable using mixed facilities, in particular at meal times. For one woman her discomfort and anxiety stemmed from her experience of persecution whilst the two others described being subject to sexual harassment. In all three cases, the women would rather keep to their rooms than exposing themselves to unwanted attention, which sometimes meant restricting themselves in terms of food and/or drink intake:

"In Oakington they call your building at a certain time, so it is okay because you can eat with women only. ...Now they provide four tables for women but before they didn't. But even now you always see one or two men or two tables taken up by men, and the officers only see them after they have finished their meal. I use to want to say '*can't you see the sign? Women only!*' They have to read about one's case and take action and do something. Why did I have to stay in line with men to get my drink? Sometimes I just took one cup because I have to cross the whole dining room and you feel everyone is watching you, I was shaking just going to get a drink. Sometimes I just took the fruits to my room and ate them there. But you can't take a drink from the dining room in your room, only if you buy from 'upstairs' cold water but I couldn't drink cold water." [Q1]

"When I was in Dungavel, they treated me very bad, the detainees, we used to live with male [detainees]. Because I have a big bum, the male always use to abuse me, call me '*big bum, big ass*', sometimes I felt like locking myself in my room, you know always someone will laugh at you. ...It is very hard, because you know men always want to bully me, saying things like '*I like you, etc.*' and if you tell them no, they always start on that. ... And the officers don't care, they like to provoke you too and then lock you up." [Q2]

"When I saw men and women together in detention I was really shocked. I don't know why they do this. It's really embarrassing and the Jamaican guys really make fun of me. ...Some of the men, they shout at you when you walk by – saying things like '*big bum*'. ...I don't eat often because I don't like going to the dining room when men are there. ...If I see men in the dining room, I don't go. I only go if I really need to it. I spend most of the time in my room." [Q5]

## 8.5 Conflict with fellow detainees

Tensions amongst detainees constitute another source of potential conflict that can add to the existing stress of being detained and/or mishandled by detention staff. In *'A Second Exile'*, the authors note that this can be true even when small numbers of women are detained: *"Due to their relative small numbers, women are under pressure to get on with each other, which is sometimes difficult. It is assumed (...) that women are supporting each other, which may not always be the case'. Women have been bullied or snubbed by roommates. Such conflicts are more easily triggered in the setting of detention."*<sup>127</sup>

In our research, one woman described how an argument with a detainee sharing her room left her feeling vulnerable. Her fears were aggravated by another possibly unrelated incident, the loss of the scissors from the craft room, which she thought might be used to harm her:

"Once they lost the scissors from the craft room. Two days before I had had a problem with one of the (...) women sharing my room. She used to go in and out all night long and disturb us. Even some of the other women complained. I couldn't sleep so I told her to stop coming and going, just to take whatever she needed from the room and stay outside wherever she went. After that two [women from the same country] came and told me *'if you don't like it, just go home, here it is not your home, it is a prison'*. I was crying, I thought maybe they would hurt me." [Q1]

The same detainee expressed her fears of being detained with prisoners:

'Also in Tinsley House they used to bring prisoners and I thought it was not fair because we are innocent and some of them may be using drugs. They brought a Romanian woman in prison, and maybe she had killed someone'. [Q1]

The information we have collected is too sketchy to be conclusive on awareness of complaints procedure amongst the women we interviewed. Three women in our research said they made complaints about the way they had been treated, two of whom said no action was taken. Whilst not specifically mentioning the complaints procedure or whether they used it or not, some of the women in our report did describe how they felt powerless in the context of the detention regime. Thus, they may not think there is anything they can do to change the situation. One woman who has been in contact with detainees on many occasions explains:

"Women would do nothing, because where would they go to question, to ask? There is a monitoring board for detainees to put in their comments

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<sup>127</sup> C. Pourgourides, S. P. Sashidaran, P. J. Bracken, *'A Second Exile'*, op. cit., p. 56.

and suggestions but they are not comfortable with this system. They might mention something to a visitor, maybe friends, family but not someone who would have the ability to help. There have been instances of detainees put under pressure to break contacts with me by both Immigration staff and Group 4. They would make threats '*we will move you to Dungavel if you don't cancel that visit with Emma Ginn*'. They involve themselves."<sup>128</sup>

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<sup>128</sup> Interview with Emma Ginn, op. cit.



## section nine

# daily life in detention

"Physical experiences in detention centres including high security, strip searches, restrictions on visitors and visiting hours, lack of privacy, converting previously prison establishments into dedicated removal centres, use of security vans with grills and bars etc. all make the experience of detention akin to prison." Extract from '*Women seeking asylum and refuge: Experiences of detention and criminalisation in England and Wales*', NACRO, 2003, p.15 (unpublished).

### 9.1 Food and diet

The majority of women felt the food at the centre was not satisfactory with nine describing the food as poor in terms of quantity or quality or both. Two women did not comment other than saying that they could not eat whilst in detention due to their stress or depression.

Women said the food provided was '*monotonous*' or had '*no taste*'; other commonly used terms to describe the food were '*poor*', '*not enough*', '*not suitable*'. In general, women were frustrated by the lack of control over what and when they were allowed to eat, commenting that it was very different from the food they would have chosen.

"Let's say, it is a difference. If you are coming from a poor country where you are hungry and you can't buy meat, it is okay. But for me, the food had no taste. You always have to spend 15 minutes to prepare some sort of sauce with ketchup and mayonnaise to give it some taste. It's always the same, rice/chips/potato." [Q1]

Several of the women said that the quantities of food available were insufficient and one woman commented that the food would run out on busy days.

"it's alright for me. I got used to the food, rice, salad and bread. I need food for the medicine to work ...They gave a form to people to make suggestions. But they didn't change anything. I usually eat stuff that they don't have here. As far as the quantities are concerned, they give you two to three spoons of rice, a chicken drumstick, a banana. It's not enough. For some it's bearable." [Q8]

"The days when there are a lot of people, you won't be able to eat enough. And if you arrive late, people would have taken everything." [Q3]

## 'they took me away'

Another interviewee, who had experienced detention in several centres, commented on the variation in standards between centres.

"In TH and Yarlswood, it was very nice/is very nice. In Scotland it was a little nice but in Harmondsworth it was not nice because the food was tasteless, sometimes there was no salt. In Dungavel we could cook. The quantities were fine." [Q2]

Two women also made specific references to the strict timing of the meals and lack of flexibility in terms of taking food in the rooms.

"You have to eat at 12h00 and 17h00, that's it, after you cannot eat anymore, you have to sleep like that... One day we took a piece of cake to take in our rooms to eat with the medicines. Once we had asked one immigration officer and he allowed us to do it. So we thought we could do it. One of the officers followed us and asked us to give back the cake. I refused. I closed the door. He went to get a manager and they called me for a warning. I am hungry every night when I have to take the medicine. They gave me a warning in writing, I tore the letter up, I put it in the bin, I told them it didn't mean anything to me. They knew I was angry, depressive, why do they pester us with petty things like that?" [Q9]

As stated previously, two women who were held in mixed accommodation said how they were very uncomfortable with the fact that they had to use a dining room that was also used by men. For one of them, this was related to her own past experience.

The woman who was pregnant was worried that she did not get enough food and that her dietary requirements were not met. Yet Maternity Alliance/BID have highlighted how *'good nutrition in pregnancy is very important for the healthy development of the unborn baby'*. Like the women interviewed in *'A crying shame: pregnant asylum seekers and their babies in detention'*, this woman found her food *'unappetising and repetitive'*:

"In Dungavel it's better than in Tinsley House because there was enough food; at Tinsley House [where she was detained for three weeks] the quantities of food were really small, I didn't have the amount requested by my condition as a pregnant woman. Food is horrible. Corn, tomatoes, rice, every day chips... The food was not really appetizing. They should provide good fruits and prepare the food better. One has the feeling that they don't take the time to prepare the food properly." [Q4]

'they took me away'

Maternity Alliance/BID also stress that *'pregnant women often experience strong food cravings but the women in detention were powerless to satisfy them. Restricted mealtimes meant that pregnant women, who are advised to eat little and often, were hungry at night.'*<sup>129</sup>

Likewise the account of a mother detained with her children shows that no specific provisions were made for flexible food allowance for young children:

"You cannot take biscuits in the bedroom for the children. They refuse. Even bread, they won't let you. ...My children use to wake up in the night, they were crying because they were hungry." [Q3]

She also pointed to the lack of hygiene with health consequences in particular for babies (her last child was only a few months old when put in detention):<sup>130</sup>

"The spoons are plastic, they just put them in water. It's not hygienic, people catch diseases like this. It's the same with cups. They don't throw them away [after use]. You didn't know if someone had eaten with it or not. That's why all babies have diarrhoea there." [Q3]

## 9.2 Children's welfare in detention

Concerns about children's welfare and failure to thrive in detention were raised by several organisations interviewed for this research.

"As the primary carers in society, the horrendous conditions in detention have a particular impact on women, especially but not only when their children are detained with them. It is impossible to provide basic care and attention, let alone education and stimulation which all children need to thrive, in such conditions. Pregnant women and mothers are not only terrified for their own safety but also for the life of their loved ones."<sup>131</sup>

Women with children may face a terrible dilemma of whether to keep their children with them, or suffer separation because they do not want their children to endure incarceration.

"I think that detention has a really terrible impact on single mothers who are the sole carers. They are sometimes offered a choice by the Immigration Service as to whether they want their kids in detention with them. What kind of a choice is that? In both cases, that I have known,

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<sup>129</sup> The Maternity Alliance/BID, op. cit., p. 4.

<sup>130</sup> Her experience is similar to that of parents interviewed for *'A Few Families too Many – the detention of asylum-seeking families in the UK'*, published by BID in March 2003.

<sup>131</sup> Interview and email follow up with Women Against Rape and Black Women's Rape Action Project, op. cit.

the woman said she didn't want her children to suffer detention and the kids ended up staying with friends."<sup>132</sup>

In her report of an Inspection of Dungavel Immigration Removal Centre carried out in August 2003, HM Chief Inspector of Prisons stated that "*the detention of children should be an exceptional measure, and should not in any event exceed a very short period – no more than a matter of days.*" Yet official statistics released on 24 August 2004 show that over 16 per cent of children were detained for longer than 14 days, way above the time recommended by HM Chief Inspector of Prisons.<sup>133</sup>

Inspectors also noted that children's welfare and development is "*likely to be compromised by detention*" and recommended that independent welfare assessments be carried out.

*"The key principle here is not the precise number of days... It is that the welfare and development of children is likely to be compromised by detention, however humane the provisions, and that this will increase the longer detention is maintained... We therefore believe that there should be an independent assessment of the welfare, developmental and educational needs of each detained child, guided by the principles set out in international and UK domestic law in relation to children. This should be carried out, to advise on the compatibility of detention with the welfare of the child, and to inform decisions on detention and continued detention."*<sup>134</sup>

Although the government agreed in December 2003 to set up assessments, they are not in place at the time of writing and in any case would not protect children as they will not take place until after 21 days of detention.<sup>135</sup>

### 9.3 Daily routine

None of the women interviewed complained about a lack of activities in detention centres. However, despite having access to a number of recreational or educational facilities, the majority of women described how depression and a pervasive lack of morale prevented them from fully engaging in the activities on

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<sup>132</sup> Interview with Emma Ginn, op. cit.

<sup>133</sup> Overall there has been a six-fold increase in the number of asylum seeker children being detained in removal centres in the period 27 December 2003 to 27 June 2004: Sixty asylum seeker children were detained in centres at the end of June, as opposed to 30 at the end of March 2004 and 10 at the end of December 2003. See Home Office, 'Asylum Statistics: 2<sup>nd</sup> Quarter 2004 United Kingdom', available at [www.homeoffice.gov.uk/rds/pdfs04/asylumq204.pdf](http://www.homeoffice.gov.uk/rds/pdfs04/asylumq204.pdf).

<sup>134</sup> HM Inspectorate of Prisons, 'An Inspection of Dungavel Immigration Removal Centre, op. cit., p. 45.

<sup>135</sup> In December 2003, the government committed to carrying out assessments of detained children's welfare at 21 days – see Home Office Stat054/2003 'Government welcomes select committee support for new measures on asylum', 16 December 03. However, no tangible procedure for assessments is yet in place – see 'Delay in Dungavel children's welfare checks', in *Community Care Magazine*, 12 August, 2004.

offer. They cite a lack of ability to concentrate on anything and many preferred to keep to their rooms instead. For one woman, the range of activities available could not compensate for the deprivation of liberty imposed on detainees. It was, she said, only a way “to fool detainees.”

Some women also described how it is difficult to establish relationships or simply engage with other detainees in such a context.

“Before everyday I used to work on computer, read. But since in detention, I have been depressed, hopeless, you can’t concentrate on anything, I have got lots of books but I can’t read. I just listen to TV sometimes and then go to sleep. Sometimes I do things with other detainees, sometimes I don’t.” [Q2]

“I was just eating, a bit of watching TV, interpreting for friends, reading the Bible. I was always solicited by friends to interpret for them so I was busy.” [Q1]

“The library is open but to tell the truth the morale is not there to go and read, especially if you are pregnant. Most of the time I went to the chapel, I meditate... the days are very long.” [Q4]

“I stay in my room. ...Other detainees they all have problems so we don’t speak much. I made some friends in other centres, but they move you and I didn’t have time to say goodbye. ...Everywhere I go I try and do what there is – I have done maths, computers, education and crafts. I am doing computers here.” [Q5]

“I used the communal areas, the chapel, library, etc. there is no problem, but your mind is not there. I like reading a lot, sometimes I meet with people.” [Q6]

“I sleep all the time, I stay in my bedroom. I was told it’s not good for me but what else can I do?” [Q8]

“They can try to lock you in and offer you activities to do. But I was not free, I didn’t feel like taking on these activities. It’s to fool people.” [Q9].

The women’s individual accounts are corroborated by the experience of people who have been in contact with many detainees:

“There are computer classes but don’t have access to the internet. There are arts and crafts classes, a multi-faith room, a hairdresser, a gym opened once a week only and only if they are escorted there, and a library but not with the books they need to support their cases. These

are all meaningless, people end up going up to their rooms, some are depressed, they don't want to talk to other detainees."<sup>136</sup>

A caseworker at IAS commented on the nature of the detention regime and how, in her opinion, women cope with it:

"In general, women aren't happy with the regimented situation- 'now get up, now eat' etc. They have often travelled huge distances and when they arrive at Oakington they are generally quite disorientated. Clients with children find it particularly difficult. For example, a client recently was very aware of her child crying at night- that the noise might disturb other people, and then when the child needed to sleep during the day, she was worrying about the noise from the rest of the centre waking the child."

On the issue of regime activities, HMIP notes:

"In all centres, there was insufficient constructive activity for detainees, despite some imaginative recreational and educational provision. Overall, only about a third of detainees said they had enough to do, except in Oakington where the proportion was closer to two thirds."<sup>137</sup>

## 9.4 Communication with the outside world

"They could be bought to Tinsley from anywhere- often from major cities- Birmingham, Manchester, Liverpool. Where they were living before has no bearing on where they are detained, and for many people Tinsley is a long way away from social networks, family etc."<sup>138</sup>

"Detainees do get phone cards of £5 a week, but it's not enough and they do have to make decisions about who to call- whether to save the money to call solicitors, or to speak to a friend, children etc. We do provide phone cards sometimes, to top it up a bit for those who are really destitute."<sup>139</sup>

In the context of loss of liberty it is essential that detainees be given the opportunity to keep in touch with their family, friends and the outside world in general, if only to mitigate "*the damaging effects of detention*".<sup>140</sup>

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<sup>136</sup> Interview with Emma Ginn, op. cit.

<sup>137</sup> HM Inspector of Prisons, '*Introduction & Summary of Findings: Inspection of five Immigration Service custodial establishments*', op. cit., p. 8.

<sup>138</sup> Interview with Emma Ginn, op. cit.

<sup>139</sup> Interview with Gatwick Detainee Welfare Group, op. cit.

<sup>140</sup> HM Inspector of Prisons, '*Introduction & Summary of Findings: Inspection of five Immigration Service custodial establishments*', op. cit., p. 9.

For the women we interviewed, the problem was not so much the restrictions imposed on communication with the outside world, but whom to communicate with. A very small number had had visits from friends or relatives. Out of 11 for whom this information was available, only six said they had had visitors or communication was okay but two of them said they had only been visited by their solicitor or welfare groups. Two other women said they had no relatives or friends to contact in the UK. Three said or suggested they were only having contact by telephone although they did not specify with whom.

In terms of facilitating communication (i.e. arranging visits or providing telephone call opportunities) only one said it was difficult to arrange visits at Oakington. Out of ten for whom this information was available, eight women said they were provided with phone cards or had no problems making telephone calls (although one said that phone cards were available "*if you behave*"). One said it was difficult at Tinsley House and there were time limits at Oakington, another said that it was harder to get phone cards at Yarl's Wood.

"I can't say anything, I have no friends here in the UK but I know people had to make an appointment. In TH I used to call my friends in Oakington but it was difficult, always you have to spend one or two hours to be put through. People also used to say 'I have been trying to call you for hours'. But once they put me through instantly, this was when they were on strike and they say the BBC might come. In TH, you can call anytime from 8h30 to 23h00. In Oakington, only few hours, between 9.00am and 12.00am and 14.00pm and 17.00pm. Also if there was someone to visit me in Oakington it was very difficult but in TH we didn't need an appointment." [Q1]

"I only had telephone contacts. It was easy. Sometimes they cut off the phone, I don't know why." [Q3]

"[Friends] could always call me, or come and visit me, and they came to see me. Most of the time it was from 14h to 21h everyday." [Q4]

"In Tinsley, we could use the phone and people can buy telephone card. Here [in Yarl's Wood] after one week, you get £5. I am just fed up with everything, I don't call people. They tell the same thing, I just pray and stay in my room. A lady called me this morning but she is in Scotland, what can I do?" [Q6]

"You get a £5 card for 3 minutes, £2 card, it's just 30 seconds. They have special cards, you can't use other cards." [Q7]

One woman thought that an attempted visit by a Member of Parliament prompted her move to another detention centre.

'they took me away'

"I had mainly phone contacts, sometimes there are visitors, like this MP in Scotland who contacted me and was trying to visit me, this is why I think they transferred me to another centre." [Q2]

A woman also described how detainees are subject to breach of confidentiality and information control:

"If you want to send a fax, they read everything. They don't want you to write to people that can help you. They refuse to send the fax in these cases. You can't fax freely." [Q9]



## section ten

# getting out of detention

The outcome of being detained varied for the thirteen women interviewed. Although eleven of the thirteen women were detained for removal, we know of only one woman who was forcibly removed from the UK.

The most common outcome of detention for women in our sample was to be released on Temporary Admission - eight women were released from detention on TA.<sup>141</sup> This included women who had been detained for long periods of three weeks or more (two), eight weeks, 24 weeks and a half (two) and over 26 weeks. Of the women granted TA, four had experienced removal attempts whilst detained.

Two women made a 'voluntary' departure from the UK following long periods of detention. Detainees are not eligible for the assisted voluntary returns scheme operated by IOM on the grounds that it is impossible to make an informed choice in a detention environment because of the coercive nature of the situation.

One woman was released on bail having represented herself. She described how the Adjudicator was understanding and flexible about her date of return and trusted her to comply with conditions.

"The judge took a short break, he was considering bail but hadn't decided how long it should be for. After five minutes, the judge asked the HOPO if she had contacted the CIO, and asked her what the CIO had said. The CIO said yes to release as long as I had strict reporting conditions and said it should be twice a week. The judge asked me how often I worked and it is 9-5 p.m. Monday to Friday. He said that in view of my work, twice a week was too strict and disruptive, and that once a week is OK. He asked me to make a choice on which day I would like to report and he suggested that Monday anytime between 10 and 4pm would be nice. Then he said 'because you are willing to go back voluntarily, I will leave you the date that you have suggested- 23<sup>rd</sup> June'. Then the judge advised me that it's good to go voluntarily and said 'I suggest you buy your own ticket and produce proof of the ticket to the Home Office.' He told me that the date could change; I mean

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<sup>141</sup> In one case, TA was granted a day before a bail application had been listed; in another case bail had been granted in principle and was due to be heard again the following day. This is relatively common according to BID and can suggest that the Home Office are conceding because they think they will lose in the bail application.

## 'they took me away'

to leave earlier if I so wished, as long as I provided proof that I would be leaving.” [Q12]

In one case we subsequently discovered that the woman had been removed, and in another we were unable to ascertain the outcome of her detention.

There are no official figures published that indicate the outcome of detention for detainees in general. The visitor group for Tinsley House states that the numbers removed from that particular centre are high. Comparable figures are not available for other centres.

“We know the outcome of detention for 72% of the female detainees we were in contact with last year. Of these – 4% got bail; 24% got TA; 19% transferred to another centre; 51% removed; 2% signed to go home.”<sup>142</sup>

However, it is clear from the small sample of women we interviewed that detention does not always result in removal, even where the purpose of detention is such. Indeed, in some cases people are detained and later go on to win the right to remain in the UK. Three women have won their case to remain in the UK after having been detained for periods of one week to three weeks at least.<sup>143</sup>

Five others are still in the UK at July 2004 and are still waiting for a final outcome on their case despite having been detained for periods ranging from nearly four weeks to over 26 weeks. To the best of our knowledge, all are still in contact with the Immigration Service and two have heard nothing about their case from the IS since release.

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<sup>142</sup> Interview with Gatwick Detainee Welfare Group, op. cit.

<sup>143</sup> In one case, total length of detention is not known.

## section eleven

# re-establishing a life after detention

"Removal centres should have independent welfare support advisers, able to assist with family and home problems, and to advise and support detainees on release, transfer or removal."<sup>144</sup>

Whilst release from detention is often a huge relief, in many cases women are left to their own devices, with no resources to support them (and for some no accommodation), thus creating new anxieties which are sometimes aggravated by impractical reporting requirements. At the same time, until they obtain a positive decision on their status, women remain anxious about what could happen to them, they fear being put in detention again or worse, being sent back to their country of origin. The situation is summarised by Emma Ginn, of the Campaign to Stop Arbitrary Detention at Yarl's Wood:

"Homelessness, destitution, can't get a doctor, dentist, to college... People have to sign every day even when they don't know where to sleep, they don't have any money for the bus. It is difficult for me, I have a backlog of twenty or thirty people ringing me up. I don't know what to do. ...The really bad effect is when someone gets re-detained."

### 11.1 Welfare issues after release

Eight women from our sample had been released from detention at the time of the interviews. One woman was working, and three were supported by family or friends. One was supported by NASS and one by a voluntary agency. One woman had housing problems as she had been excluded from all forms of support.

The woman who had experienced the forced removal attempt described above was released on temporary admission to obtain medical treatment. She commented on her life after detention:

"I live with my brother, I cannot work, I don't have money, I don't know how I can live. To leave people like that, it's not consistent,

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<sup>144</sup> HM Inspectorate of Prisons, *'Introduction and Summary of Findings: Inspection of five Immigration Service custodial establishments'*, op. cit., Strategic Recommendations No. 13, p. 11.

why not giving them the right to work. I wouldn't need social benefits. How do I pay for transport? How do I get to the Immigration Services? I don't get any support. ...I am not happy, I am not working, I am not studying, I am totally cut off." [Q9]

Another woman reported:

"When I came out of the centre, I went to stay with a family, and I was sleeping in their sitting room. But I couldn't stay there – they said 'we have helped you, but now you need to go and ask for other place to stay.' That also broke my heart. I had to go to Refugee Council in Brixton." [Q10]

A third woman who was released on bail after 24 weeks, who had previously been working to support herself, was waiting for a date for a tribunal hearing on her case. Friends and relatives were helping her. She commented:

"Now I am not allowed to work, study – they want me to starve and die." [Q13]

A woman who had been in the UK for six years before being detained described her situation after release:

"After they cut off my benefits, I had no help for two months. Refugee Network took my case, they took care of me. They were trying to find me a lawyer because I was only given £20 a week to live on and feed my children. Refugee Network helped me to buy food." [Q3]

The woman who was pregnant at the time of her detention, was released after seven weeks<sup>145</sup> but has not received any support since and is said she is being helped by her friends. She has now been granted permanent status in the UK. When contacted by Asylum Aid in July 2004, she asked if help could be found for her. She said she knew of other people who had been released from detention and subsequently received official help.

Testimonies from women in this study demonstrate that more than a year after publication, the Inspectorate report's findings on the situation of detainees in Tinsley House are still valid and no action has been taken to alleviate the problems highlighted:

"Those granted admission to the UK on benefits were given no help to orientate themselves to life in the UK or to understand the system that would support them. ... They [detainees] were not prepared for their

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<sup>145</sup> She had first been detained for one week before being released. She was then detained a second time for seven weeks in total.

release, transfer or removal and there was a form of institutional blindness to the practical difficulties caused by detention and to the fate of many after release.”<sup>146</sup>

As a result, women are still left to suffer unacceptable levels of anxiety and stress, even after being released from detention.

## 11.2 When the future remains bleak

In addition to practical difficulties and welfare issues, one cannot underestimate the psychological impact of detention on vulnerable people such as asylum seekers, even after being released. Most women who are held in detention have been told that they will be removed from the UK. As the women below testify, release from detention does not remove the fear of being detained again, or sent back home where they fear the worst. In such circumstances, it is almost impossible to envisage what the future can hold for them.

A doctor working for the Medical Foundation describes not only the distress caused by a deportation attempt on one of her patients, a mother whose baby was born prematurely, but also the long-term impact once her patient was released from detention:

“I have a Rwandan woman who I first saw in January. She had a very, very premature baby in August last year. She was having to sign on regularly with Immigration. In January, she was with her baby, reporting, and they told her to wait. Then they said that they were detaining and deporting her. She was in a terrible state. Three people, including one woman, escorted her to her flat to collect some stuff, but she was in such a state that she didn’t know what to pick up. So, she grabbed some clothes for the baby, but she forgot to take things like the bottle steriliser. They took her to Tinsley House. They kept her there for the weekend and took her to the airport on the Monday. The lawyers managed to stop her being removed, and she was brought back to Tinsley and she was released.

She says that she was never given back a piece of her identity document which was taken from her when she was detained. She is so frightened of signing on now, she asks me ‘Is there anything you can do to stop me signing on?’ Her whole week is ruined. She has to report on a Monday, and on Sunday she feels ill. She carries our number and the number for her lawyer everywhere she goes. Her premature baby has regular appointments with a paediatrician. It is tiny, doll-like, alert, but very weak. Where is she going to run to with a baby like that? She really fears return to her home country. She certainly had a bad time in detention, and she may well have reason to fear return. She is now a complete wreck, she hardly goes out. It was such a shock. She was going to be put

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<sup>146</sup> HM Inspectorate of Prisons, *An Inspection of Tinsley House Immigration Removal Centre*, op. cit., p. 11.

on a night flight- a premature baby in Rwanda? There had been no consideration of the situation in Rwanda.”

A woman who was given TA (and later granted refugee status) described the reporting requirements she had been under and how she mentally prepared herself for the possibility of being detained again. At the same time, such anticipation prevented her from engaging in any new activity or trying to think into the future:

“It is very stressful to go to sign every week at the Immigration. Every time I pack my bag and take it with me because they may put me in detention again. The first time I went they told me *‘we don’t have your file’*. Since they gave me TA but I know it’s only until I have the interview with the Medical Foundation, after that they will try to remove me or detain me again. But if I don’t think about this, everything is OK. I try not to think about tomorrow. ... My future, now at this moment, I don’t know if I want to learn something; I can’t because I feel they may detain me anytime they want. I don’t know what will happen to me. Until the case is finished, it’s very hard to think about the future. Before I used always to think about tomorrow but now I try not to think about tomorrow. ...I want to study, work but I think I have very little chance.” [Q1]

“I just don’t know, there is no future. I really worry, I feel hopeless, I feel like crying every day and I am suffering everyday.” [Q2].

After release, this mother of three describes the impact the whole experience, from arrest to detention, had on her and her children. At the time of interview, hostility and racism from neighbours meant the family lived in fear and isolation whilst she remained extremely worried about their future (she was later granted indefinite leave to remain in the UK).

“If someone knocks on the door, I don’t open it. I am scared. I am worried. I am isolated because I stay inside. My children are not well, especially my daughter. She is scared all the time. Today she didn’t want to go to school. I asked her why, she said *‘mummy I want to stay with you’*. The people at school are fine. It’s the people around here, my children don’t like them, they told them to go back to their country. ...If I go outside, they throw stones at me. One day I asked *‘why are you throwing stones at me?’* [One woman] replied: *‘fuck you, this is not your country, your country is in Africa’*. Even the children they can’t play outside. Once I even had to call the police. ...Now it’s alright because I stay at home, I am scared to walk outside, when I see a car, I am

scared, when I see the police, I am scared, I fear they'll come and arrest me.

...I don't know if someone will come to kill me. I've had enough. I came to seek asylum. I thought it would be alright. But no. ...I don't feel very well. At any time they can come back, I don't feel well in my head. I cannot stay on my own. I always need someone with me. I stay here only for the children, so they can go to school. I am afraid, I don't know what will happen to them, I don't know." [Q3]

Despite her overall feeling of freedom and knowing that she will not get 'beaten anymore', this asylum seeking woman remains very anxious about her future and still feels that she is somehow physically constrained by the reporting requirements:

"I am comfortable [now], I am free. I can do whatever I want. I can check on my health, I am now like anyone else. Nobody can beat me anymore the way I have been beaten. But I would like to get respect, human rights in England. This is my big problem. ...I haven't received any letters yet; I don't know what is happening, they can arrest me at anytime. If they take me away now, I will die. I cannot bear this anymore. ...I don't know about my future. Every week I have to go and sign, it's not convenient, I have to go to London Bridge; I am in pain everyday, I am sick, they know that I am sick. It's as if I was still in detention." [Q9]

'they took me away'



The experiences of the women we interviewed for this research demonstrate an urgent need for action to change both the policy and practice of detention. Unless fundamental changes are made, women will remain at risk of long periods of detention, without legal representation or an automatic opportunity to challenge their detention. They, and their children detained with them, are likely to face deteriorating mental and physical health. They risk having to endure disproportionately forceful and potentially unlawful attempts to remove them from the UK, sometimes to violent and dangerous countries. If they are not removed and are released from detention back into the community they will have to rebuild their lives and deal with the consequences of being pointlessly deprived of their liberty.

The UK government have stated that *"...detention should always be for the shortest possible time, but the Government is satisfied that there should be no legal maximum period of detention."*<sup>147</sup> If women are to be detained with very limited access to legal advice and representation and no automatic review of their detention, then it is not acceptable for detention to be without time limit.

It is depressing to note that eight years have passed since research into the mental health effects of detention, yet the stark conclusions are still as relevant today.

"Detainees are placed in situations where they lack *realistic* choices which are viable alternatives to each other. They may face the choice of detention or deportation, and in the recent climate of tightening legislation, they may face the choice of detention or destitution. Compelled to 'choose' one of these options, they are placed under significant stress and their position of helplessness is reinforced."<sup>148</sup>

Research into the way in which detention decisions are made concluded that whilst some detention decisions were 'careful and reasoned', there were general systematic failings that could lead to arbitrary detention.<sup>149</sup> The research

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<sup>147</sup> Home Office, 'White Paper: Fairer, Faster, Firmer: A Modern Approach to Immigration and Asylum, *Home Office*', op. cit., para. 12.11.

<sup>148</sup> Pourgourides, C.K., Sashidharan, S. P. and Bracken, P.J., 'A Second Exile', op. cit., p. 94.

<sup>149</sup> "This study has yielded many examples of careful and reasoned decision-making. But there is also clear evidence of some individual decisions and certain systematic practices which could be described as arbitrary. Detention might be arbitrary in its 'everyday' sense (i.e. subject to personal whims, prejudices or caprice) where it is a punitive reaction to perceived 'abuse'; in the 'legal' sense where it is motivated by broad policy objectives rather than individual circumstances (such as 'special exercises' aimed at general deterrence or routine detention at Oakington for administrative convenience); or where it is 'experienced' as arbitrary by detainees (who are often unaware of the reasons for their detention)." See Weber, L., Gelsthorpe, L., 'Deciding to Detain: how discretion to detain asylum seekers is exercised at ports of entry, Summary of a report', Institute of Criminology, University of Cambridge, June 2000.

concluded that internal mechanisms for review were of limited use and stated that

“...a meaningful external review of the lawfulness of detention is needed, in the light of the limitations of internal reviews and the reported variability in the way detention decisions are made, conveyed and documented.”<sup>150</sup>

The need to address these systematic failings and the experiences of the women we interviewed form the basis for our recommendations.

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<sup>150</sup> Ibid.

# recommendations

On the basis of the evidence collected in this report, drawn from women's own description of their experiences in detention as asylum seekers, we urge the government to implement the following recommendations.

## 1. Making fundamental changes to the legal framework for detention

Fundamental changes need to be made to detention policy and practice in the UK if it is to be in line with domestic and international human rights norms. In particular, we recommend that:

1. Asylum seekers in general should not be detained
2. Genuine alternatives to detention should be actively considered and employed
3. There be a statutory presumption in favour of liberty
4. The detention of children under 18 be prohibited by statute
5. The detention of the mentally ill, those with serious medical conditions, those who have been tortured, and pregnant women, be prohibited by statute
6. A statutory maximum length of detention be introduced
7. Quality, publicly-funded legal representation be provided to all detainees
8. Statutory provision be made for all those who are detained under the Immigration Acts to be brought promptly and automatically before a court for an independent review of their detention. If refused, further reviews of this nature must take place at regular intervals
9. The bail mechanism be changed to give Adjudicators jurisdiction to consider the lawfulness of detention, and if lawful, the necessity of detention in the particular circumstances of the case
10. The use of prisons for the purpose of immigration detention be prohibited by statute
11. The planned extension of the detention capacity be halted
12. Independent research be commissioned into the rates of absconding and thereby the need for detention
13. The use of 'tagging' be restricted only to those who would otherwise have been detained, and be subject to safeguards including criteria, time-limit and an appeal mechanism
14. Independent monitoring mechanisms be established to consider the legal and human rights implications of the forcible removal of people who have not succeeded in their immigration or asylum claim to remain in the UK

If detention is used, those affected should be given full reasoned explanations for its use. We recommend to the UK Immigration Service that:

15. A written, reasoned notification for the decision to detain in the language which the detainee can understand be provided
16. All detention reviews conducted after the initial decision to detain has been made be disclosed

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17. The contents of the file on which the decision to detain has been based be disclosed
18. An explanation be given in each case as to why alternatives to detention have not been employed

## 2. Meeting women's needs

Based on the experiences of the women interviewed for this research, we recommend that changes be made to address women's particular needs.

- Firstly, some of the problems experienced by the women interviewed would be addressed if the government ensured that existing guidance and rules were adhered to.

We recommend that action be taken to ensure that the Detention Centre Rules are implemented, and that their implementation be audited and non-compliance penalised.

- Secondly, if women are to be detained under the current framework of detention, they should, as a minimum, be guaranteed access to:
  1. quality, free legal representation and advice relating their immigration detention and to their substantive asylum claim, which is sensitive to any gender issues
  2. independent, confidential medical treatment
  3. sexual health information and gynaecological care
  4. use of an independent interpreter at any time on request
  5. a choice of mixed or women only centres - where a preference is stated for mixed centres, rules allowing women private access to meal times and recreational space should be enforced and monitored
- In addition, there should be appropriate consideration taken of the mental health of those detained and for this to be taken into account in reviews of detention.

### Children and pregnant women

The experiences of women interviewed for this research demonstrate the need to repeat and endorse recommendations of previous studies relating to the detention of children and the detention of pregnant women, in particular that:

1. pregnant women and children should not be detained
2. where brief detention (a few days) of pregnant women and mothers with young children is genuinely unavoidable, no woman or baby or child should be detained in a place where the physical conditions (including food) or medical care are inadequate.
3. detailed Operational Standards covering the needs of pregnant women, new mothers and children should be established

4. all detained children should have an independent assessment of their welfare and development needs after 24 hours of detention and weekly thereafter if detention is maintained

In view of the experiences of the women interviewed for this research, we urge that the development of accommodation centres take account of the needs of women and children, in particular, ensuring that children are not segregated from communities and local schools.

## Wider context

We recommend that the use of immigration detention be considered in the wider context of the need for changes in the asylum system. Recent reports recommend fairer decision-making and improved country information – without this people who should be given protection in the UK will continue to be detained.<sup>151</sup> In addition we are gravely concerned that people with asylum cases based on gender issues are being detained prior to their claim being considered.<sup>152</sup> Claims of gender-related persecution are often complex and raise a number of issues which require good quality and adequate legal representation.<sup>153</sup> As revealed in this research, because the opportunities to exercise one's legal rights are very likely to be restricted in detention, such issues can be easily overlooked. In addition the fast track procedure does not allow time for such sensitive issues to be adequately considered.

Finally, we recommend that action be taken promptly to ensure that the use of detention will be in line with the statutory duty to promote gender equality, which it is anticipated will apply to all public bodies by 2007. This duty will oblige public bodies to ensure that their actions (either as employers or service providers) will promote equality of opportunity between women and men and make public services more responsive to their different needs. Looked at within this context, this research shows up worrying gaps in provision. In the future, both individual failings and systemic failings will need to be addressed by the Immigration Service and services will need to be planned appropriately to be suitable for women.

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<sup>151</sup> These include: Advisory Panel on Country Information, '*Commentary on October 2003 CIPU report on Somalia*', 2<sup>nd</sup> meeting, 2<sup>nd</sup> March 2004, APCI.2.2., at [www.ind.homeoffice.gov.uk/filestore/APCI.2.1.doc](http://www.ind.homeoffice.gov.uk/filestore/APCI.2.1.doc); Immigration Advisory Service, '*Home Office Country Assessment: an analysis*', October 2003, 240p and '*IAS Addendum to report 'Home Office Country assessments: an analysis*', London, December 2003 at [www.iasuk.org/](http://www.iasuk.org/); Amnesty International '*Get it right: how Home Office Decision Making fails refugees*', AI, London, February 2004. See [www.amnesty.org.uk/action/camp/refugees/getitright.shtml](http://www.amnesty.org.uk/action/camp/refugees/getitright.shtml); Smith, E., '*Right First Time?*', Medical Foundation, London, 19 February 2004, see synopsis and conclusions available online at: [www.torturecare.org.uk/publications/reportHomeOffice.htm](http://www.torturecare.org.uk/publications/reportHomeOffice.htm).

<sup>152</sup> Five of the women we interviewed were immediately taken to detention having made a claim for asylum on arrival in the UK.

<sup>153</sup> In instances where requests for a female legal representative and/or female interpreter are made.

### 3. Taking forward existing recommendations

The findings of this research echo many of the concerns expressed by HMIP's inspection reports. More than one or two years after these reports were published, many of their recommendations are yet to be implemented. BID and RWRP endorse the recommendations of the HMIP and urge the government and those running detention centres to take immediate action to implement them.

#### Relevant extracts from HMIP Strategic Recommendations, April 2003

**3.** Translated information should be available in all centres in the languages of detainees, and interpreters should be provided for important immigration meetings and sensitive medical matters.

**5.** The detention of children should be avoided wherever possible, and only take place for the shortest possible time, in no case more than seven days.

**7.** The Immigration Service should ensure that the casework of those detained is expedited, and all detainees are kept informed, in a language they understand, about the reasons for their detention and its continuation and the progress of their cases. On-site immigration staff should be able to communicate up-to-date case information directly to detainees.

**8.** The Immigration Services Commissioner should pay particular attention to monitoring the quality of legal advice provided to detainees, who are an exceptionally vulnerable group; and information about properly regulated advisers should be available in all centres.

**9.** The Immigration and Nationality Department and the Legal Services Commission should consult with professional bodies to ensure that access to competent independent legal advice and representation is provided.

**10.** Protocols should be agreed for the release of medical information, with consent, to the immigration authorities and detainees' representatives, if such information is relevant to fitness to detain or to the detainee's asylum claim, and the action that should follow.

**13.** Removal centres should have independent welfare support advisers, able to assist with family and home problems, and to advise and support detainees on release, transfer or removal.

# appendix one

## questionnaires

### QUESTIONNAIRE 1: WOMEN ASYLUM SEEKERS IN DETENTION

Foreword with interviewees: Explain the purpose of the research, confidentiality issue and also ask if the client would like to talk to her solicitor about this research first. (Not all questions to be asked, e.g. if record on database or if questions asked through telephone first)

ID NUMBER/REFERENCE:

FIRST NAME:

DATE OF INTERVIEW:

INTERVIEW FORMAT: FACE/FACE.....TELEPHONE.....

#### PERSONAL INFORMATION

- 1. What is your date of birth/age [if not known]?
- 2. What is your nationality?
- 3. What is your Religion?
- 4. Do you have family/a partner in the UK? If yes, who?
- 5. Do you have any children? How many? How old are they?
- 6. Were you/ pregnant at time of detention? How many months (when first detained)?
- 7. Where are/were you children right now/when you were in detention?  
  
If not with mother, who are/were looking after child/children?
- 8. Is/was your partner still in contact with your children?
- 9. What is/was the status of your partner (asylum seeker? Refugee? Resident?) when you were in detention?
- 10. What work or study were you doing in your home country or in Britain before you were put in detention?
- 11. What is your first/main language?

How well do you understand spoken English? Written English?

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## CIRCUMSTANCES OF ASYLUM CLAIM

■ 12. Could you tell us about your circumstances prior to your arrival in the UK?

■ 13. And the circumstances of your travel to the UK?

Date left country

Date of arrival in the UK?

Travelled through other countries?

Means of arrival in the UK? Port of arrival?

■ 14. Tell us about what happened when you arrived in the UK. Describe how you claimed asylum

Where was asylum claim made? When did you claim asylum?

## CIRCUMSTANCES OF DETENTION

■ 15. Please tell us about the day you were put in detention.

Where were you, what were you doing when they came to take you in detention? How did it all happen?

■ 16. Please describe where and how long you have been detained

How long in detention [here]?

Location of detention other than current/last (Oakington?).

How long in detention in other locations?

[If Oakington] Do you know why you were removed from Oakington?

■ 17. How did you feel when you first realised you would be put in detention?

■ 18. What were your main worries at that time?

■ 19. When you were first put in detention, what was the situation with your asylum claim?

HO decision? Appeal lodged? Appeal decision? Further appeals?

■ 19a. When you were not in detention, was there any time when the Immigration Service tried to contact you and couldn't? If yes, what happened?

Did they always know where you were living?

■ 20. Before you were detained, how did you support yourself (if applicable) and family?



## BAIL APPLICATION & CURRENT STATUS OF ASYLUM CLAIM

- 21. Was a bail application made on your behalf?

Outcome of the bail application? Did you obtain temporary admission?  
How did you feel about this?  
(If yes) how long had you been detained by then?  
Details of Sureties: Relationship with detainee? How many? How much?

- 21.a. Do you have to report to the Immigration authorities regularly? How do you cope with that?
- 22. What is the situation with your asylum claim now?
- 23. (If bailed), how have you been living since you have been released?

## DETENTION: UNDERSTANDING LEGAL RIGHTS

- 24. Please tell us what you understand/stood about your legal rights as a person in detention?
- 24a. How did you learn about these rights/rights of detainees? (staff? Legal representative? Visitors' group? Written materials? Other...)

Told why being detained in a language that could understand? (when were you told? On arrival? Soon after? Etc...  
Given written reasons why being detained in a language that could understand?

- 25. If you have/had a lawyer, please tell us how you communicate/d with her/him?
- 26. What do/did you know about ways to get released from detention?

Told in a language that could understand how to obtain release from detention?  
(if yes) By whom?  
Reviews of your case? How often?  
Received results of the review in writing in a language that could understand? Was legal representative present?

## HEALTH ISSUES

- 27. Can you tell us about your health and any treatment you may have had before you were detained and since/when being detained?

Any health problems caused by mistreatment in home country?

Were these problems identified by a doctor/nurse when you arrived at the DC? Examined by a doctor within 24 hours of arrival here?  
 Able to discuss these problems with a doctor or nurse in detention? If not, why?  
 On medication prescribed by a Doctor upon detention? Discussed with a doctor at the detention centre?  
 Allowed to continue to take the medication or similar medication afterwards? If not, why?  
 Problems receiving the medication?

■ 27a. [if woman was pregnant at time of detention]. Describe your pregnancy whilst in detention.

■ 27b. Describe the type of support you were offered in relation to your pregnancy whilst in detention.

Medical/Antenatal care  
 Social support

■ 28. What do you think about the medical services and medical staff in the detention centre?

■ 28a. [if has baby/child/children] Tell us about the support and facilities you are/were given for the care of your children?

■ 29. How easy is/was it for you to access these services and to understand what you are/were told?

Access to medical record in the centre?  
 Problems of communication between medical staff and detainee?  
 interpreter present? professional interpreter or another detainee, or someone else or telephone (language line interpreting service) used?  
 How comfortable were you with this person interpreting for you?

■ 30. Tell us how have you been feeling since your arrival/after your arrival at the detention centre?

[if detained elsewhere] How did you feel in [other detention location]...?

■ 30a. [if applicable] What about your child/children? How have they been since their detention/how were they when in detention?

## FOOD

■ 31. How do/did you find the food at the centre? Tell us about the quality and quantity you get/got?

appropriate for your dietary/cultural/religious needs?

(If problems with food) what do you think could be done to meet your food requirements?

## SAFETY ISSUES & OTHER PROBLEMS

■ 32. Please describe how you feel/felt in relation to your safety [and that of your children] in the detention centre?

■ 33. Do/did you have to use any communal areas? If yes, how does/did that make you feel?

Separation from other detainees possible (e.g. eating, using library, recreational activities, etc.)?

■ 34. How do/did you feel about dealing with male staff at the detention centre?

■ 35. Describe any problems (physical/verbal abuse or unwanted sexual attention) you have had either with another detainee or member of staff.

■ 36. What have you done/planning to do to remedy/help you with such problems?

■ 37. Have you witnessed any other detainee being mistreated by another detainee or member of staff? (If yes) Could you describe the incident(s)?

■ 38. What do/did you know about the complaint procedures in the detention centre?

Explained in own language?

■ 39. Have you made/did you make a complaint about the Centre whilst you have been/were here? (if yes), please describe. What was the result of this action?

■ 40. Prior to your detention, how did you feel about your safety [and that of your children?]

## COMMUNICATION

■ 41. Tell us about your contacts with your family, friends, visitors or your legal representative outside the detention centre?

Incoming/outgoing calls? If not why not?

Visits? How often? Length of visit?

Legal representative? Interpreter present? Length of visit?

■ 42. How easy/difficult is/was it to see an Immigration officer when you want?

## LIFE IN DETENTION

- 43. Could you describe to us what you are/were doing during the day in detention? What is/was your life like? Activities on offer?

## POST/DETENTION

- 44. [if applicable] Now that you are released, how do you feel?
- 44a. [if applicable] What are your main worries now?
- 44b. How do you feel about your future?

## DETENTION POLICY

- 45. Why do you think the government is/was detaining you?
- 46. What do you think about the government's policy to detain people like you?  
What would you suggest the government do instead of putting people in detention?
- 47. Do you think you are treated differently to other asylum seekers? (if yes) why do think this?

## QUESTIONNAIRE 2: ORGANISATION/PEOPLE WHO WORK WITH WOMEN IN DETENTION

Foreword with interviewees: Explain the purpose of the research, confidentiality issue.

**ID NUMBER/REFERENCE:**

**FIRST NAME:**

**ORGANISATION:**

**DATE OF INTERVIEW:**

**INTERVIEW FORMAT: FACE/FACE.....TELEPHONE.....**

1. What is your involvement with women asylum seekers in immigration detention?
2. Do you have any statistics on the number and type of women's cases that you see?
3. Do you have a sense of the most common outcome for detained women? (removal, release on TA or bail?)
4. What are the main problems facing detained women, in particular in respect of:
  - a) Health (mental and physical & sexual)
  - b) Safety

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- c) Communication
  - d) Accessing legal advice and representation
    - i) in relation to their substantive claim and removal
    - ii) in relation to obtaining release from detention
  - e) Welfare issues (daily routine, food etc.)
  - f) Attitudes of staff working with women
    - i) DCOs
    - ii) Immigration service
5. Have you worked with women detained i) with their children ii) who are pregnant? What particular issues arise for these women, in your experience?
  6. What kind of facilities are provided in detention for women and how do the women use them?
  7. Do you think that there has been an improvement for detainees (including women) since the inspection reports by HMIP?
  8. What issues face women who are released on bail or TA? How do they cope when they are back in the community? (Is there an ongoing impact as a result of their detention?)
  9. Do you think that women in general react differently to their detention than men? If yes, how.
  10. In relation to the detention centre rules and the operating standards, do you have any particular concerns about their applicability to women, and their implementation?
  11. Do you think that there are sufficient safeguards for detainees? If no, explain what particular changes you would like to see, in respect of women, and generally.
  12. Any further general comment on the policy of detaining women?
  13. What alternatives do you believe could be employed instead of detention?
  14. Willing to be involved in press/parliamentary work arising from the publication of the report?

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## appendix two

### list of organisations and professionals interviewed

Ref	Date	Place	Who?	Interviewer
A	26 Feb 04	Crawley	Pascale Noel, Gatwick Detainee Welfare Group (GDWG)	Sarah
B	16 April 04	Phone	Liz Barratt, solicitor, Bindmans	Sarah
C	21 June	In person at Med Fou	Dr Gill Hinshelwood, Medical Foundation	Sarah
D	27 April 04	Phone	Zoe Upcraft, Immigration Advisory Service (IAS)	Sarah
E	27 April 04	In person	Emma Ginn, Stop Arbitrary Detention at Yarl's Wood (SADY)	Sophia
F	30 March 04	In person – unstructured contributions to general discussion followed up by sending email questionnaire on 10 August 04 (due to lack of time)	Cristel Amiss, Black Women's Rape Action Project (BWRAP) Sian Evans, Women Against Rape (WAR)	Sarah
G	16 June 04	In person	Dr Christina Pourgourides	Sophia

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## appendix three

# list of references and online resources

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## appendix four information and support for women in detention

For more detailed lists of information about making complaints, accommodation providers, finding legal representation, advice and referral agencies and removal centre contact details, see

- 'Appendix 8- Useful Contacts' in '*Challenging Immigration Detention- a Best Practice Guide*', ILPA/BID/Law Society  
[http://www.biduk.org/pdf/Best%20Practice%20Guide/bpg\\_challenging\\_detention.pdf](http://www.biduk.org/pdf/Best%20Practice%20Guide/bpg_challenging_detention.pdf)
- Contact Numbers and Addresses in BID Notebook on Bail – Part 1  
[http://www.biduk.org/pdf/bail\\_notebook/notebook\\_part\\_1\\_jan\\_2004.pdf](http://www.biduk.org/pdf/bail_notebook/notebook_part_1_jan_2004.pdf)

### **Association of Visitors to Immigration Detainees (AVID)**

PO Box 7, Oxted, RH8 0YT

Tel: 01883 717275 [www.aviddetention.org.uk](http://www.aviddetention.org.uk)

### **Asylum Aid and the Refugee Women's Resource Project**

Can provide legal advice in some cases.

Advice line 020 7377 5123 Monday-Tuesday 2:00pm-4:30pm, Thursday-Friday 10am-12:30pm.

**The resource room at RWRP** is open to refugee and asylum seeking women, legal representatives, asylum support workers and researchers. It is an opportunity for women to undertake research to support their asylum claims in a friendly and supportive environment. RWRPs collection is fully catalogued, and searchable using computerised or paper systems. The resource room is open on a drop-in basis to refugee women 10.30 – 1.00pm & 2.00pm – 4.30pm Tues, Wed, Thur. For all others call 0207 377 5123 to arrange a visit (alternatively, contact Bethany Collier at [bethanyc@asylumaid.org.uk](mailto:bethanyc@asylumaid.org.uk)).

**Bail Circle**

A Network of Sureties for people in immigration detention, funded by the Churches Commission for Racial Justice.

[bail.circle@ctbi.org.uk](mailto:bail.circle@ctbi.org.uk).

**Bail for Immigration Detainees, 28 Commercial St, London E1 6LS**

Tel: 020 7247 3590 Fax: 020 7247 3550 [www.biduk.org](http://www.biduk.org) or [info@biduk.org](mailto:info@biduk.org)

BID Notebook on Bail for people detained by the Immigration Service can be downloaded from the website or call BID for a copy.

**Black Women's Rape Action Project****Women Against Rape**

Crossroads Women's Centre

230a Kentish Town Road

London NW5 2AB Tel: 020 7482 2496 [www.womenagainstrape.net](http://www.womenagainstrape.net).

NB. WAR and BWRAP are currently preparing a guide for women facing removal.

**Community Legal Service Helpline-** can provide details of legal representatives locally. Tel: 0845 6081122.

**National Coalition of Anti-Deportation Campaigns (NCADC)**

[www.ncadc.org.uk](http://www.ncadc.org.uk).



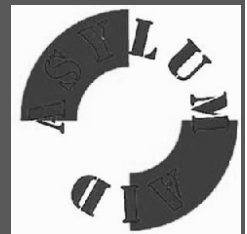
'they took me away'

BID  
RWRP @ asylumaid

august 2004

Bail for immigration Detainees (BID)

Refugee Women's Resource Project  
@ ASYLUM AID



28 Commercial Street  
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[www.biduk.org](http://www.biduk.org) or [info@biduk.org](mailto:info@biduk.org)

28 Commercial Street  
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Registered charity no.: 328729

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[www.asylumaid.org.uk](http://www.asylumaid.org.uk)

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'they took me away'