

Rt Honorable Priti Patel

Rt Honorable Robert Buckland

Cc: Rt Honorable Kevin Foster

Date: 3rd December 2020

By Email

Dear Secretary of State,

We are writing to express our concern about the current use of prisons for immigration detention. It is our view that all immigration detention is inherently harmful and should be ended entirely but the use of prisons for this purpose is even more damaging, particularly during a pandemic. We call on you to end the practice of holding immigration detainees in prisons.

Prisons run a highly restrictive and punitive regime and do not provide an appropriate environment to hold immigration detainees even under 'normal' circumstances. People detained in prison face multiple and compounding disadvantages over and above those faced by immigration detainees held in Immigration Removal Centres (IRCs). These include lack of access to mobile phones, the internet, or legal advice. There are few safeguarding processes to prevent the detention of people with pre-existing mental or physical health conditions that make them particularly vulnerable to harm in detention. All too often people who are very vulnerable are detained unlawfully in prisons for long periods of time.

Just last year the Home Affairs Select Committee found, in a report on immigration detention, that:

"it is neither just nor right to deny people detained in prisons the same access to legal safeguarding that is available to detainees held in Immigration Removal Centres".

Conditions have become even more severe since the pandemic began. People in prisons are generally locked in their cell for 23 hours per day, and in some cases 24 hours a day. In August the Chief Inspector of Prisons for England and Wales warned that severe restrictions in place across prisons which essentially amount to solitary confinement are creating "a real risk of psychological decline" among people in prison.

Immigration legal advice and representation, almost impossible to access at normal times, is currently impossible because legal visits are no longer permitted. This has meant that immigration detainees have been left to navigate the complex process of challenging their detention and deportation without any form of assistance whatsoever. For many people with language barriers or mental ill-health this is simply not possible.

In addition, coronavirus is spreading more rapidly than ever through prisons. Data published on the 13th November shows 1,529 people have now contracted COVID-19 across 89 sites



in the prison estate. More people in prisons tested positive for COVID-19 in October 2020 than in the entire period from March – September.

In March this year the Prison Governors' Association said that 15,000 people needed to be released early from prisons in England and Wales to reduce overcrowding in order to protect prisoners and staff from COVID-19. In April the Ministry of Justice introduced the end-of-custody temporary release (ECTR) scheme, claiming that up to 4,000 prisoners would be eligible for early release. The scheme was paused at the end of August, with a total of just 316 people released under its measures. Almost 400 people remain detained in prison under immigration powers. A number of them have COVID-19 related co-morbidities. In these circumstances it is clear that immigration detainees, none of whom are serving criminal sentences, should be immediately released from prison.

While our focus is on those detained under immigration powers in prison, every person incarcerated in a prison or IRC is currently at risk. Covid-19 is highly infectious and such diseases tend to spread more quickly in prisons and other sites of incarceration. Statistics about COVID-19 in prisons are being published on a monthly basis which, given the current rapid spread of the virus, is inadequate. Data on COVID-19 in IRCs is not being published at all.

We urge the government to immediately release all individuals held in prisons under immigration powers. The government should also increase the frequency and detail of data on the spread of COVID-19 in prisons, and collect and publish equivalent data on the spread of COVID-19 in Immigration Removal Centres.

Yours sincerely

Celia Clarke, Director, Bail for Immigration Detainees

Nicole Francis, Chief Executive, Immigration Law Practitioners' Association

Satbir Singh, Chief Executive, JCWI

Lubia Begum-Rob, Director, Prisoners' Advice Service

Jonathan Ellis, Director, Detention Forum

Stephen Hale OBE, CEO, Refugee Action

Emma Ginn, Director, Medical Justice

Siân Summers-Rees, Chief Officer, City of Sanctuary UK

Warren Lee, Early Action Development Worker, Southwark Day Centre for Asylum Seekers

Natasha Walter, Director, Women for Refugee Women

Rita Gava, Director, Kalayaan



Sarah Teather, Director, Jesuit Refugee Service UK

Josie Naughton, Director, Choose Love

Indre Lechtimiakyte, Legal and Migrant Support Manager, Samphire

James Tullett, Chief Executive, RAMFEL

Vanessa Delgado, Consultant Solicitor, Duncan Lewis solicitors (Swansea Office)

Miranda Butler, Barrister, Garden Court Chambers

Judith Carter, Lecturer and In-house Solicitor, Liverpool Law Clinic

Jo Wilding, Research Fellow, University of Brighton

Traci Kirkland, Head of Charity, Govan Community Project

Bill MacKeith, Treasurer, Oxford Against Immigration Detention

Immigration Team, Garden Court North Chambers

Nick Harborne, CEO, Reading Refugee Support Group

Annie Campbell Viswanathan, Director/Supervising Immigration Caseworker, North Kensington Law Centre

Michael Collins, Coordinator, Right to Remain

Amber Bauer, CEO, Donate4Refugees

Nazek Ramadan, Director, Migrant Voice

Immigration Legal Service, Brighton Housing Trust

Grey Collier, advocacy director, liberty

Dr Edie Friedman, Executive Director, The Jewish Council for Racial Equality (JCORE)

Dr Jacob Berkson, Trustee, Thousand 4 1000

Docs not Cops

Dr Lisa Doyle, Executive Director of Advocacy and Engagement, Refugee Council

Anna Pincus, Director, Gatwick Detainee Welfare Group

Bethan Godley, acting project director/ coordinator, Morton Hall Detainee Visitors Group

Janet Farrell, Partner, Bhatt Murphy solicitors



Tom Giles, Partner, Turpin Miller Solicitors

Jennifer Blair, Co-head of Legal Protection, The Helen Bamber Foundation

Nina Rathbone-Pullen, partner, Wilsons solicitors

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Dr Felicity Laurence, Campaigns Co-ordinator, Hastings City of Sanctuary

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