

Briefing paper on immigration detention in London - March 2009

Bail for Immigration Detainees

Bail for Immigration Detainees (BID) is an independent charity that exists to challenge immigration detention in the UK. Since 1998, BID has worked with asylum seekers and migrants in detention centres and prisons to secure their release. In the past year our three offices supported 1,774 immigration detainees to prepare and present bail applications. BID also uses evidence from its casework and research to influence detention policy and practice and to press for an end to arbitrary detention.

Immigration detention

- Every year, 29,210 people are detained in the UK 'for the purposes of immigration control'.¹ They include asylum seekers, undocumented migrants and foreign nationals who have finished a criminal sentence and are subject to deportation.
- They are held in eleven detention centres (known as Immigration Removal Centres) as well as police stations and prisons.²
- 70% of detainees are held for over 29 days, and 20% are held for over six months.³
- 42% of asylum seekers who are detained are subsequently released.⁴
- There is no legal limit on how long people can be held in immigration detention, and decisions to detain are not subject to automatic judicial oversight.

Immigration detention in London

- In London, there are two detention centres located near Heathrow Airport - Harmondsworth and Colnbrook. They have capacity to hold 259 and 308 male detainees respectively. Colnbrook also has short term holding facilities for 80 men or women. Part of Harmondsworth is used to detain asylum seekers while their claims are decided (see section below).
- There are also two further detention centres on the outskirts of London near Gatwick Airport – Brook House, which can hold 426 men, and Tinsley House with space for 116 men, five women and four families.
- People are also held in prisons and police cells across London under Immigration Act powers. No figures are available on how many people are held on this basis in London. However, on 1 December 2008, 526 foreign national ex-prisoners were held in prisons across the UK.⁵
- Based on our casework experience, significant numbers of people are separated from partners and children living in the UK, including within London, when they are detained. No official statistics are available
- A 2009 report by the London Detainee Support Group showed that 188 people they supported at Colnbrook, Harmondsworth and Dover had been detained for over a year at a cost of £22million.⁶

¹ Home Office Asylum Statistics United Kingdom 2005, August 2006- a more recent figure is not available

² For a list of Immigration Removal Centres see the UK Border Agency website page <http://www.ukba.homeoffice.gov.uk/managingborders/immigrationremovalcentres/>

³ Home Office, Control of Immigration: Quarterly Statistical Summary United Kingdom October – December 2008, February 2009, p18

⁴ Home Office, Asylum Statistics United Kingdom 2006, August 2007- a more recent figure is not available

⁵ Hansard Commons Written Answers 13 Jan 2009: Column 720-1W

⁶ London Detainee Support Group, Detained Lives, January 2009

- Her Majesty's Chief Inspector of Prisons' 2007 report on Colnbrook found that:
 - detainees who could not be removed were detained for long periods
 - 50% of detainees felt unsafe in the centre, and 42% reported being insulted or assaulted by staff
 - there was a serious shortfall in mental health provision and 'the centre was at the edge of its ability to cope with mentally unwell detainees'⁷
- The Inspector's 2008 report on Harmondsworth found deficiencies in the centre's management of self-harm risks, 'disturbing examples' of the use of force against detainees, and unsatisfactory mental healthcare provision.⁸ Her 2006 report on Harmondsworth was 'undoubtedly the poorest report we have issued'.⁹ The day the report was issued a disturbance broke out at the centre during which uninvolved detainees were left in overcrowded, flooded cells without food, water or functioning toilets while fires burned in the centre. In March 2009 the Court of Appeal found the Home Office in breach of its Article 3 obligations by not holding an independent investigation into allegations of ill-treatment after the disturbance.¹⁰

The detained fast track in London

- The detained fast track (DFT) is a process in which asylum seekers are held in detention while their asylum claims are decided within an accelerated legal schedule.
- 745 asylum applicants were routed into the Harmondsworth fast track process during 2007.¹¹
- BID's research shows that the DFT is simply too fast to allow for applicants to disclose traumatic experiences, or for lawyers to gather evidence. The result is spectacular refusal rates for cases heard in detention – less than 1% of cases heard at Harmondsworth in 2007 were granted refugee status.¹²
- The government's use of the DFT (particularly its routing of inappropriate cases into detention) has been criticised in the past year by UNHCR, the National Audit Office and the Independent Asylum Commission.
- Almost two-thirds of men held at Harmondsworth who participated in BID's research on the DFT were not legally represented for their asylum appeal.¹³

Data gaps on immigration detention in London

The Home Office publishes very limited data on its use of immigration detention. In our view this makes it difficult to hold the government to account for its detention policies. The information published consists of quarterly 'snapshots' of the detention estate on a particular day, as opposed to tracking of cohorts. This means that no data is available on, for example, the number of people held in detention every year in the UK, the length or outcome of their detention.

- There are currently no statistics available on the number of people held in immigration detention within London every year, the length of time they are held or their nationalities. Such basic data is essential to forming an accurate understanding of the operation of immigration detention in the capital.
- Since the first quarter of 2006 no statistics have been published on the number of immigration detainees held in prisons and police stations in London or elsewhere in the country.
- Since the fourth quarter of 2006, the Home Office has not published figures showing why people have left immigration detention other than those who have been removed from the UK.

⁷ HM Inspectorate of Prisons, Report on an unannounced full follow-up inspection of Colnbrook Immigration Removal Centre, 18-22 June 2007, November 2007

⁸ HM Inspectorate of Prisons, Report on an unannounced full follow-up inspection of Harmondsworth Immigration Removal Centre 14-18 January 2008, June 2008

⁹ HM Inspectorate of Prisons, Report on an announced inspection of Harmondsworth Immigration Removal Centre 17-21 July 2006, November 2006

¹⁰ *AM & Others v Secretary of State for the Home Department & Kalyx Ltd* C4/2008/1754 – Bail for Immigration Detainees as interveners

¹¹ Home Office, Asylum Statistics: United Kingdom 2007, August 2008

¹² Home Office, Asylum Statistics: United Kingdom 2007, August 2008

¹³ *Bail for Immigration Detainees, Working against the clock: inadequacy and injustice in the fast track system*, July 2006

For example, data is not routinely collected on the number of people released from detention or where they are bailed to, including the number released to addresses in London boroughs.

- Every year an estimated 2,000 children are held in immigration detention and many more are affected by detention when one or more family members are detained. Despite national and international criticism of its detention policy towards children, the data kept by the Home Office on this vulnerable group is extremely limited. For example, it is not possible to tell
 - the number of age disputed young people who are held in detention in London, and how many of these are found to be children following an independent age assessment
 - the number of people in immigration detention who are separated from partners and children (including British citizens) living in London
- Neither the Home Office nor the Ministry of Justice produce statistics to show how many detainees, including those lodging appeals in the detained fast track, are legally represented at court hearings.
- A number of BID's clients are detained while they still have ongoing legal representations, and before directions to remove them from the UK or travel documents have been issued. This often results in prolonged periods of detention as there are barriers to them being removed from the UK. Data on how many detainees do not have travel documents or who have ongoing legal representations would provide a basis for informing policy on how decisions to detain are made.

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