



association of **visitors** to
immigration detainees

**Written submission by the Association of Visitors to Immigration Detainees (AVID) to the
Joint Committee on Human Rights on the inquiry into the Human Rights of Asylum
Seekers in the UK**

December 2022

ABOUT AVID AND THIS SUBMISSION

AVID, the Association of Visitors to Immigration Detainees, is the national membership network of voluntary organisations supporting people in immigration detention. Established in 1994, AVID has over 28 years of experience in supporting immigration detainees wherever they are held; our 14 member groups visit every single immigration removal centre (IRCs), as well as in residential short-term holding facilities (STHFs) and some prisons. In addition, our network is in day-to-day contact with people held under the immigration act of powers. With around 500 active volunteers, our network supports around 2,000 people every year. Our evidence is based on this remit and experience, and our submission focuses on where the Home Office and its contractors have failed to address the failings of human rights standards.

We are addressing the following terms of reference of this inquiry:

1. Detention
2. Electronic tagging

The complete list of AVID members and the respective detention centre that they visit can be found in – Annex I.

Submission by AVID

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Q4. Are the rules on detention and processing, and the treatment of detained asylum seekers, consistent with the UK's human rights obligations?

The UK has several human rights obligations it is bound to uphold, including those set out in the European Convention on Human Rights (ECHR) and the UN Refugee Convention. These obligations include the right to seek asylum, the prohibition on refoulement (returning a person to a place where they would be at risk of persecution), the prohibition on arbitrary detention and the right to be treated with dignity and respect. In this context, the detention, and the treatment of detained asylum seekers, must be consistent with this obligation. AVID is not convinced that detention is used as a last resort or for the shortest possible time. The conditions and treatment of those held at detention centres has continued to deteriorate ever since the pandemic started.

The current detention system is opaque, unaccountable and at a crisis point. Decisions are made arbitrarily, and once detained, the impact on the individual and the public purse is substantive. Moreover, as the UK Home Office's statistics show¹, around 85% of those detained are ultimately released rather than removed, which raises questions about the quality of initial decision-making.

We are deeply concerned by the rapid expansion of detention in the UK, which has gathered momentum in recent years despite mounting evidence that detention causes severe harm. For example, new plans to re-open the infamous Haslar and Campsfield House IRCs and increased usage of prisons and STHFs. These decisions go against countless Parliamentary enquiries^{2 3}, government-commissioned reports by Stephen Shaw⁴, revelation from panorama followed by the Brook house inquiry⁵ and many more unlawful detention claims⁶, including breaches of article 3 and 5 of the ECHR. This mounting evidence suggests that those held within this ever-expanding detention estate have become invisible, vilified and ignored by the state, including the most vulnerable in our society.

Prisons

The regime offered to immigration detainees in prison is not equivalent to that in detention centres. For example, access to communications such as mobile phones or the internet does

¹ See National statistics, 'Immigration statistics, year ending September 2022', at

<https://www.gov.uk/government/statistics/immigration-statistics-year-ending-september-2022>

² APPG report of the Inquiry into Quasi-Detention (December 2021), accessed at:

<https://appgdetention.org.uk/wp-content/uploads/2021/12/211209-APPG-on-Immigration-Detention-Report-of-Inquiry-into-Quasi-Detention.pdf?x15176>

³ Report of the Inquiry into the Use of Immigration Detention in the United Kingdom (July 2014), accessed at <https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf>

⁴ Review into the Welfare in Detention of Vulnerable Persons A report to the Home Office by Stephen Shaw (January 2016)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf

⁵ The Brook house inquiry : <https://brookhouseinquiry.org.uk/>

⁶ R (S) v Secretary of State for the Home Department (2011) EWHC 2120 (Admin), R (BA) v Secretary of State for the Home Department (2011) EWHC 2748 (Admin), R (HA (Nigeria)) v SSHD (2012) EWHC 979 (Admin), R (D) v SSHD (2012) EWHC 2501 (Admin), R (S) v SSHD (2014) EWHC 50 (Admin), R (MD) v SSHD (2014) v SSH (2014) EWHC 2249 (Admin) and AKE v SSHD(2019).

not exist for those in prison, and as such, they are less likely to be able to contact external support organisations, legal advisors, or friends and family. Time in the cell during 'lock up' will also impact. In our experience, prison staff are generally unaware that immigration detainees in prison should be treated as remand prisoners, and there is very little difference in their treatment from other prisoners. Often, prison staff struggle to meet the needs of immigration detainees and will contact AVID or other NGOs for help.

During the pandemic, AVID and our members received an increased number of emails and calls from families of detainees trying to find support or understand why people are still incarcerated despite finishing their criminal sentence. There was also an increase in contacts from prison officers trying to support immigration detainees in prison without adequate knowledge of whom to turn to. Furthermore, our members have raised the pattern of evidence that people held under the immigration act of powers get 'ping-ponged' between Her Majesty's Prison and Probation Service (HMPPS) and Home Office caseworkers, where both parties tend to 'hand-wash' the responsibility of those detained. As a result, the effect of deportation becomes the default, despite most having higher chances of challenging their continued detention and leading to inadequate support from the probation officers. This leads to more prolonged detention and limbo in prisons. There are recent cases where this led to 'appealing mismanagement of vulnerable people in detention/ prison', as stated in the case of *Louis v Home Office* [2021] EWHC 288 (QB), a vulnerable detainee who was held under immigration powers for over four years.

Immigration detainees in prison face considerably more barriers to access to justice. There is no equivalent in prisons to the legal aid funded advice scheme in detention. The recent initiative by the Home Office in partnership with MOJ to allow people held under the immigration act of power to access an additional allowance that could be used to buy PIN phone credit to contact legal representatives were not always informed to people held as immigration detainees. This is hugely concerning considering the lengths of time people are detained in prisons. In addition, our quarterly FOIs⁷ show that people are detained across the prison estate and are isolated from the support available through visitor groups for a handful of prisons where higher numbers of detainees are held.

People detained under the immigration act powers should not be held in the prison estate. The currently agreed and allocated spaces for people held under the immigration act of powers in prisons are about 1000 beds. We think freeing up these spaces would help the current prison capacity crisis and the plans to imprison people in policy holding-cells⁸.

- **Recommendation: The UK should cease the practice of holding immigration detainees in prisons, a practice described as 'fundamentally flawed' by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.**

⁷ FOI results on people held under immigration act of power at Prisons in England and Wales: <https://aviddetention.org.uk/what-we-do/detention-facts-and-figures>

⁸ Guardian news report on 'Damian Hinds says acute increase in prison population means he has requested temporary use of up to 400 police cells.' : <https://www.theguardian.com/politics/live/2022/nov/30/rishi-sunak-keir-starmer-pmgs-latest-live-news-uk-politics#:~:text=08.57%20EST-Prisoners%20to%20be%20held%20in%20police%20cells%20because%20jails%20are,jails%2C%20MPs%20have%20been%20told.>

Short-Term Holding Facilities

In the last two years, we have seen a shift from the Home Office's usage to increasingly detaining more people in these facilities. This year alone, with only three quarters of data available from Home office statistics⁹, suggests that there are about 2797 people who entered the RSTHF (including Gatwick PDA), which is a 222% increase compared to the previous year as a whole. However, this data does not provide the whole picture as national statistics from the Home Office deliberately ignore the records of detention in other STHFs (e.g. Manston STHF), police cells, holding rooms and port holding rooms. Based on our members' experience, we suspect the number and critical information of those in these facilities will be greater and more shocking. We urge the Home Office to provide more transparency around this data and to include the missing numbers.

AVID currently has members that visit four residential short-term holding facilities (Colnbrook, Swinderby, Larne House and Manchester Airport RSTHF). One of our members has partial access to the Yarl's Wood STHF. We have noticed marked differences in the material conditions of these facilities, making them unsuitable for extended stays of up to 7 days. For example, the facility at Larne in Northern Ireland is located in a working police station; detainees there have limited access to social visitors and external support due to heightened security restrictions. In all short-term holding facilities, we have grave concerns regarding the availability of legal advice or detainee's rights, as there is no provision for publicly funded legal advice for those held in short-term facilities, unlike that provided in IRCs. As many detainees in these facilities are on the move - either to other facilities or out of the country - their need for quality legal advice is arguably even more necessary.

Furthermore, we have received reports from many members that people detained in police cells, holding rooms, and port cells – were not often met with basic needs, and the conditions are harsher and more dangerous than RSTHF or IRCs. For example, there were reports of medication being confiscated without access¹⁰, lack of access toilets for 2 hours, only being given one meal for the day, frozen meals without guidance on children's meals or other dietary requirements, cells being cold, and no blanket or heat provided, and most of these cases were held longer than legal 24 hours limits. We have also been informed that STHF's were used longer than 24 hours before deportation flights, essentially blocking access to justice and communication with the outside world. These conditions were vastly highlighted and mirrored some of the conditions and crises that have unfolded in Manston STHF since October 2022.

- **RECOMMENDATION: Detainees held in residential STHFs, and non-residential STHFs should have the same level of access to legal advice, including the DDA scheme of local solicitors, healthcare and regime available in IRCs. Individuals' property should not be confiscated, notably medicines.**

⁹ Ibid(1).

¹⁰ IMB reports suggested similar evidence on medication confiscated in Luton STHF: <https://imb.org.uk/document/gatwick-stansted-luton-and-lunar-house-2021-2022-annual-report/>

- **RECOMMENDATION: An end to the use of police stations as STHF. STHF should not be used before a person is placed on a deportation flight. Unrelated men and women should never be held in the same facility.**
- **RECOMMENDATION: An up-to-date and comprehensive report on the number and locations of such facilities on all non-residential STHF operated by the UK Home Office, including information on France STHF and detention centres in Diego-Garcia, UK's overseas territories.**

Access to visitors and families

Visitation is vital for human rights monitoring and allows people in detention and communities to build and maintain relationships and human connection. However, AVID has previously raised that communication from contractors and the Home Office to key stakeholders has been extremely poor throughout the pandemic. This has included the provision of essential information to support NGOs, including AVID members, in both detention and quasi-detention settings. In 2020, we raised this with the Home Affairs Select Committee as part of their investigation into Home Office preparedness for COVID-19. A recommendation of the HASC at the time was that "the Home Office and its providers must communicate timely and accurate information to NGOs as well as to service providers working to support people in immigration detention"¹¹. Unfortunately, communication has not improved, and our member organisations and other charities report challenges in gaining access and delivering support.

Our members are increasingly facing hostility in individual centres they visit, and reaching out to more detained people has become much more difficult and complex. AVID had requested access to the Manston STHF based on our experience in the network and the interest of local community volunteers willing to provide welcome and support. The Home Office refused this for us to provide vital support to people detained at Manston STHF; the reasons stated were 'nature of the centre', and in the same letter, we requested more information on how families and friends can visit these facilities as we have seen an increased number of families looking for those detained. The reply ignored this (See Annex II for the reply). We are concerned that these denials and restrictions may indicate an emerging pattern or practice to restrict or eliminate access by the public to immigration detention facilities.

- **RECOMMENDATION: Increase better communication between NGOs, and provide timely and accurate information for those working to support people in immigration detention.**
- **RECOMMENDATION: Provide better access inside places like Manston STHF for support NGOs, visitors groups, lawyers, and MPs**

¹¹ See House of Commons Home Affairs Committee 'Home Office preparedness for COVID-19 (Coronavirus):institutional accommodation' Fourth Report of Session 2019–21, at <https://committees.parliament.uk/publications/2171/documents/20132/default/>

Q5. Is the electronic tagging of asylum seekers a necessary and proportionate interference with their human rights?

Electronic tagging raises several human rights concerns. One concern is that electronic tagging may infringe on the right to privacy of those wearing it. Electronic devices to track an individual's movements can generate a significant amount of data about their activities and habits, which could be accessed and used by the Home Office for various purposes. The research from BID ¹²suggests that it could also lead to wrong accusations, and battery malfunctions could lead to more people being persecuted or re-detained again.

Therefore, AVID maintains that the usage of 'Digital shackles' and electronic monitoring would be unnecessary to use as an alternative form of detention. Digital detention would sincerely humiliate asylum seekers as human beings and violate their human rights. We recommend that until electronic tagging usage gets abolished, it is vital that each usage should be subjected to independent oversight and review, including the breaches of these conditions.

- **RECOMMENDATION: Abolish electronic tagging of people detained under the immigration act of powers.**

Conclusion

In a final comment, we should suggest that change will never happen unless someone is bold and makes radical proposals that may seem impossible to implement.

It is time to break from the failed model of enforcement and incarceration in all forms. Instead of continuing to write a blank cheque for more detention, false pastoral care and surveillance, it is time to invest in kindness and compassion, welcoming immigrants with dignity.

¹² BID's research report on 'Every move you make: the human impact of GPS tagging in immigration system'(2022): <https://www.biduk.org/articles/research-reveals-inhumane-effects-of-gps-tagging-on-migrants>

Annex I

Table 01: Member Organisations of AVID and the detention facilities that they visit to provide support. The full detailed lists of AVID members and their work can be found in our website¹³.

Visitors Groups Name	Places of support (IRCs, RSTHFs, Prisons, other places)
Asylum Welcome	HMP Huntercombe (previously used to visit Campsfield House IRC)
Befriending Support Team for HMP Wandsworth (BEST)	HMP Wandsworth (Visits foreign nationals held under immigration act of power)
Beyond Detention	Yarl's Wood IRC and post detention support for people released from immigration detention
Detention Action	Colnbrook IRC, Harmondsworth IRC and various prisons to support people held under immigration act of power
Durham Visitors Groups	Derwentside IRC
Gatwick Detainees Welfare Group	Brook House IRC and Tinsley IRC/RSTHF
Jesuit Refugee Service UK	Colnbrook IRC, Harmondsworth IRC and quasi detention settings (including Napier Barracks and hotels)
Larne House Visitors Group	Larne House RSTHF
Lewes Prison Visitors Group (LOSAS)	HMP Lewes
Manchester Immigration Detainee Support Team (MIDST)	Manchester airport (R302) RSTHF, HMP Manchester, and HMP Risley.
Morton Hall Detainee Visitors Group (MHVG)	Swinderby RSHTF ¹⁴ (MHVG used to visit Morton Hall IRC before it's closure)
Scottish Detainee Visitors Group	Dungavel IRC
SOAS Detainee Support Group	Heathrow IRCS, Gatwick IRCS, Yarl's Wood IRC, and various prisons
Sudanese Visitors Group (Waging Peace)	Various IRCS and post detention support for Sudanese people released from immigration detention

¹³ AVID members: <https://avidetention.org.uk/visiting/visitors-groups>

¹⁴ UK's newest RSHTF opened in October 2022: <https://www.gov.uk/immigration-removal-centre/swinderby-short-term-holding-facility>

Annex II

Letter from AVID to Home Office on 17th November 2022 – requesting access to provide visitation inside Manston STHF



association of visitors to
immigration detainees

17th November 2022

Phil Riley
Director,
Detention and Escorting Services
3rd Floor Apollo House
36 Wellesley Road
Croydon
CR9 3RR

Dear Phil,

Requesting access to visit Manston STHF

I am writing to request access to visit the Manston short-term holding facility. We are in the process of setting up a visitors group comprised of local volunteers trained and monitored by AVID. We understand that Manston STHF had 1600 spaces for people to be detained which will make it the largest STHF and bigger than any other immigration removal centre in the country. The increased number of people detained there has been causing severe distress to individuals detained and their families. If required, we are also able to allocate extra support from other groups in our network with experience of providing visiting to people in other IRCs (mostly Heathrow IRCs) to provide extra capacity support to this new group.

Furthermore, AVID and our network are receiving an increased number of phone calls from friends and families of people detained at Manston on how to visit people there. We would be grateful to receive updates on how social visitors can access and contact the centre so that friends and families can call to speak to their loved ones and legal representatives can provide legal advice.

This visitors groups main aim is to provide assistance for people once they arrive at Manston. We will do this by:

1. **Befriending and giving moral support:** simply being there to listen and care, as a trusted, reliable source of support and friendship, in confidence.
2. **Facilitating communication and signposting to specialist support:** providing a crucial point of contact between detainees and the outside world, connecting them with specialist support organisations, and helping them to stay in touch with solicitors or legal representatives, family and friends.
3. **Helping to ensure basic needs are met:** through this group, volunteer may be able to assist people held in Manston with practical everyday needs such as toiletries, second-hand clothing, and phone cards. In addition, visitors will also provide practical information for detained people if released from Manston such as integration services, health services, where to go if you find yourself destitute which was recently reported as a problem after leaving Manston.

As we hope you will agree, it is very much in the interests of all concerned that providing social visits though our visitors groups will increase the wellbeing and support for those detained at Manston and I am looking forward to receiving your reply on accessing the centre.

Yours sincerely,
Gee Manoharan,
Policy and Communication Manager

Registered Charity: 1156709

www.aviddetention.org.uk

Letter reply from Home Office to AVID – refusing access into Manston STHF on 7th Dec 2022

Immigration
Enforcement

Detention and Escorting Services
3rd Floor Apollo House
36 Wellesley Road
Croydon CR9 3RR www.gov.uk/home-office

Gee Manoharan
Policy and Communication Manager
Association of Visitors to Immigration Detainees

7 December 2022

Dear Gee

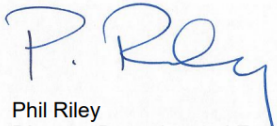
Requesting access to visit Manston STHF

I write in relation to your letter of 17 November 2022, requesting that your organisation be granted access to Manston to provide a befriending service and signpost to support organisations.

Unfortunately, due to the nature of Manston as a short-term holding facility, I am not able to accommodate a visit by your organisation to Manston. However, representatives wishing to make an enquiry regarding legal visits can contact ManstonTeamInbox@homeoffice.gov.uk.

In response to your concern regarding the increased number of people detained at Manston, I can confirm that as at the date of this letter, there are no detained individuals being held at Manston, and the number of people detained at Manston at any one time has not exceeded 867 since 22 November 2022.

Yours sincerely



Phil Riley
Director, Detention and Escorting Services

Phil.Riley@homeoffice.gov.uk