

## AVID

### Association of Visitors to Immigration Detainees

Patrons: Belinda Allan, Colin Firth, Lord David Ramsbotham, GCB, CBE and John Scampton, CBE  
Registered Charity No. 1063784

# In Touch

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#### News from AVID

##### HMP Morton Hall is to become an IRC

It was confirmed last week that HMP Morton Hall, in Lincolnshire, is to become an Immigration Removal Centre for single men this year. This project had previously been put on hold pending the public services review but was confirmed as part of Ken Clarke's announcement on prison closure.

Morton Hall was previously a closed women's prison, and will open as an IRC for 392 single men. It will be run under contract with the Prison Service and the current Governor will continue as Centre Manager.

Along with the recent announcement regarding the planned opening of a residential short term holding facility in Larne, Northern Ireland, it seems that expansion of the detention estate is still being pursued in spite of cuts in public spending. AVID will be producing regular updates

on the size of the estate and proposed expansions. You can find out more on our website.

#### Members Updates

##### Save the Date(s)!

**Haslar Visitors Group** is holding their AGM on 2<sup>nd</sup> March, alongside a Detained Lives Roadshow from London Detainee Support Group. The event will take place in Portsmouth. Details to follow!

**Dover Detainees Visitors Group** is holding their next Ex Detainee Conference on the 9<sup>th</sup> June, this year it will be in London. More details to follow.

The next meeting of the **Detention Forum** will take place on Monday 21<sup>st</sup> February. Details will be circulated by Eiri Ohtani nearer the time.

#### UKBA updates

##### Interim review of family detention pilots

The UKBA has published its interim report on the various family detention pilots it is undertaking in the North West and London following the review into child detention of last year. The report was published in December and includes findings on the 3 stages of return: assisted, required and ensured.

Some key figures from the report include:

- A Family Return Conference was attempted in 96 cases.
- 75 Family Return Conferences were conducted during the period of assessment.
- 6 families have applied for an AVR package.
- 2 families departed under Assisted Return (one voluntary departure, one AVR).

- 1 family removed using Required Return.
- 2 returns of families using detention (of less than 72 hours).
- 23 Self Check-In Removal Directions were not complied with.

You can access the full report by clicking [here](#)

### **Home Affairs Committee publishes report on the work of UKBA**

The House of Commons Home Affairs Committee published a report on the 11<sup>th</sup> January investigating the work of the UK Border Agency.

The report claims that the Agency is “failing to meet expectations” and highlights in particular that the programme designed to tackle the backlog of asylum cases (legacy cases) is unlikely to be able to establish what happened to as many as 61, 600 cases. It also called for any bonuses to be paid to senior Home Office officials to be scrapped because of these failings, and suggests that the UKBA Head (formerly Lin Homer) salary should be much less than the £208,000 it is at present.

Committee chairman Keith Vaz commented on the poor quality decision making of UKBA, saying:

*"Much of the delay in concluding asylum and other immigration cases stems from poor quality decision-making when the application is initially considered. The UK Border Agency has made some progress over the last few years in relation to new procedures and approaches, but is still failing to meet expectations."*

You can read the report by clicking [here](#).

## **Law and Policy**

### **Groundbreaking decision: unlawful child detention**

On 11<sup>th</sup> January, the detention of the children of two single mothers was ruled unlawful by the High Court.

Mr Justice Wyn Williams found that the mothers and their respective children were unlawfully detained at Yarl's Wood IRC. He found that their

detention breached Section 55 of the Borders, Citizenship and Immigration Act 2009, which requires primary consideration to be given to the welfare of children. Their detention also breached Articles 5 and 8 of ECHR.

The conclusion of the judgement reads:

*"The Defendant's [UKBA's] current policy relating to detaining families with children is not unlawful. There is, nonetheless, a significant body of evidence which demonstrates that employees of UKBA have failed to apply that policy with the rigour it deserves. The cases of the two families involved in this litigation provide good examples of the failure by UKBA to apply important aspects of the policy both when the decisions were taken to detain each family and when decisions were taken to maintain detention after removal directions had been cancelled."*

### **European Court of Human Rights decision on returns to Greece under Dublin II regulation**

The European Court of Human Rights has found that the Belgian authorities violated the human rights of asylum seekers by sending them back to Greece using the Dublin II regulation.

Dublin II is a regulation that means that EU countries can send asylum seekers to the country deemed to be responsible for their claim for protection. This ruling effectively means that asylum seekers from the UK cannot be returned to Greece under the terms of Dublin II.

Lawyers for the asylum seekers argued that they would not be treated fairly if sent back to Greece, as the procedures there were such that they would not adhere to international law.

## Reports



### **“Unsustainable: the quality of initial decision making in women’s asylum claims” Asylum Aid (Jan 2011)**

Asylum Aid’s new research report was launched earlier this month. The report highlights the need for improvements in the way asylum decisions are reached for women. The research found that:

*“women were too often refused asylum on grounds that were arbitrary, subjective, and demonstrated limited awareness of the UK’s legal obligations under the Refugee Convention”*

You can download the report from the Asylum Aid website or click [here](#).

## Upcoming Events

### **All Party Parliamentary Group (APPG) meeting on Refugees, 7th Feb 2011**

The Refugee Council invites you to the next APPG on the 7<sup>th</sup> February 2011 at 5pm in the Grand Committee Room in the Houses of Parliament. The theme is ‘Reflecting on our responsibilities: 60 years of the Refugee Convention’. Speakers are:

- Karen Pollock - Chief Executive, The Holocaust Educational Trust;
- Roland Schilling - UNHCR Representative to the UK;
- Chair: Julian Huppert MP

You can book a place by contacting [parliamentary@refugeecouncil.org.uk](mailto:parliamentary@refugeecouncil.org.uk)

### **Bail for Immigration Detainees (BID) event and AGM: “Double Punishment: foreign national ex-offenders and the use of immigration detention” Weds 26<sup>th</sup> Jan, 6.30pm**

Venue: Amnesty International UK, The Human Rights Action Centre, 17-25 New Inn Yard, London, EC2A 3EA

Speakers:

- Juliet Lyon CBE, Director, Prison Reform Trust
- Steve Bravery, Bravery Law
- Pierre Makhoulouf, Assistant Director BID
- A former detainee

Please RSVP to [kamal@biduk.org](mailto:kamal@biduk.org)

## Job Opportunities

### **Medical Foundation for the Care of Victims of Torture: Part time Trusts Fundraiser**

You must have proven experience of working with charitable trusts and grants. The closing date is **Friday 4<sup>th</sup> February 2011**. For more information contact [jobs@torturecare.org.uk](mailto:jobs@torturecare.org.uk)

**Ali McGinley  
January 2011**