

## 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

91 (April 2011)

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#### News from AVID

### New member: SOAS Detainee Support

AVID welcomes our newest member, SOAS Detainee Support. SDS visit Yarl's Wood IRC in Bedfordshire. They have kindly submitted the guest article for this edition to explain more about their work.

You can also find out more about the group here:  
<http://soasdetaineesupport.wordpress.com/>

### Update on the Detention Estate

**Morton Hall IRC, Lincolnshire:** the first detainees will arrive on 18<sup>th</sup> May. The centre will hold single men and has 393 bed spaces. There is ongoing refurbishment work at the centre, so detainees will arrive in stages until the centre is finished in September.

### Pease Pottage 'pre departure accommodation':

The planning consent has been secured for this site, which will hold families with children under the new 'ensured return' process. It is due to open in late summer. As outlined in the last edition, Barnardo's will deliver welfare and activities provision at the site and G4S will run the facilities such as healthcare. More information on this can be found under 'Parliamentary Questions', below.

### New Short Term Holding Facility for women (Colnbrook):

Following the end to detention of single women in Tinsley House, UKBA are opening a new Short Term Holding Facility for single women at Colnbrook. It will be a discrete facility, for 8 women. The rules for the operation of Short Term Holding Facilities are still in development.

**New escorting contract:** Reliance will commence the new escorting contract (previously held by G4S) on May 1<sup>st</sup>

**Contractor Update:** The contract for Dungavel IRC in Lanarkshire was awarded to the GEO Group, who will assume responsibility in September.

### Detention Forum Update

The Detention Forum's next quarterly meeting will take place on the 27<sup>th</sup> May (see 'events', below).

Many of you will have seen the latest action, a **joint letter**, coordinated by London Detainee Support Group, sent to the Joint Committee for Human Rights earlier this month. In 2007 the JCHR report 'Treatment of Asylum Seekers' made some welcome recommendations for change in the system. Sadly, very little has changed since then.

Our letter outlined some shared concerns about immigration detention and asks the JCHR to

revisit its recommendations of the 2007 report, particularly:

- Detention of Vulnerable Adults
- Detention with no imminent prospect of removal
- Use of fast track
- Access to bail
- Detention of children

30 organisations signed the letter, an unprecedented collective call for action on immigration detention.

## **Independent Chief Inspector of UKBA announces two inspections into immigration detention**

John Vine, the Independent chief Inspector of UKBA, spoke at the last Detention Forum quarterly meeting. He told us that he will be conducting two inspections into immigration detention:

- Detained Fast Track (May 2011 to September 2011)
- Immigration casework in IRCs, jointly with HMIP (March 2011 to April 2012)

He has also invited NGOs to help him shape these inspections, by letting his office know of concerns. This is a really good opportunity for smaller organisations to feed in to these inspections, as he will use these to develop an appropriate and effective inspection framework. The deadline for submissions is **13<sup>th</sup> May**. Please send all submissions to:

**[patricia.macreedy@icinspector.gsi.gov.uk](mailto:patricia.macreedy@icinspector.gsi.gov.uk)**

### **Members Updates**

## **New Telephone System at Tinsley House (GDWG)**

Many of you will have seen the email circulated to ARC members by Nic Eadie, Director of the Gatwick Detainees Welfare Group, regarding a new pilot telephone system currently in operation at Tinsley House. The new system will see detainees' mobiles (and SIM cards) removed

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on arrival and replaced by a centre specific mobile, operated by a company called GCC Ltd. The call charges are very high. The new system will also enable the centre management to 'shut down' the entire communications system in the event of a large scale disturbance. Detainees will not have a choice of phone providers and will only be able to use this new system.

Detainees at Tinsley have already expressed their dismay at the new system which is prohibitively expensive and is making it difficult for many to contact friends and family, as well as their legal representatives. The scheme is a pilot initiative which, if successful, will be rolled out to all IRCs. Dover IRC has already suggested the scheme will be implemented there. The pilot is running February- April and will be evaluated in May.

AVID and GDWG are very concerned about the implications of this new scheme and are pulling together evidence to submit to UKBA. We are also trying to get more information on the nature of the evaluation and criteria against which the new scheme will be measured. If you would like to share your concerns please contact GDWG or AVID.

## **Dover Detainee Visitors Group Ex-Detainee Conference**

DDVG are holding their annual Ex-Detainee conference on the 9<sup>th</sup> June. The event is always lively and well attended. This year sees the conference move from Dover to London and has an excellent range of speakers. Places are limited. For more information or to book a place contact [info@ddvg.org.uk](mailto:info@ddvg.org.uk)

Venue: Amnesty International UK, 17-25 New Inn Yard, London, EC2A 3EA (10.30-16.00)

### **Parliamentary Questions**

#### **Pre-departure accommodation**

*(Hansard: HL Deb, 30 March 2011, c278W)*

**Lord Avebury** asked what plans the government has to hold a consultation on the operating standards for the pre-departure holding facility at Crawley. The response from Baroness Neville Jones was:

*"We propose to consult a range of interested parties on the operating standards for the pre-departure accommodation later this year as part of a broader consultation exercise following the review of existing immigration removal centre and escorting operating standards."*

**Foreign National Prisoners (Deportation)**

*(Hansard, HC Deb, 29 March 2011, c157)*

When asked by Lorraine Fullbrook why foreign national prisoners are not transferred to secure immigration removal centres after their sentences, to await deportation, Nick Herbert (Minister of State, Justice) replied that:

*"Wherever possible, detainees should be transferred to immigration removal centres. We are opening a new centre and the majority of detainees are already in those centres. We want to ensure that that number increases"*

**Deportation (costs)**

*(Hansard HC, 22 March 2011, 931W)*

Andrew Rosindell asked how much the Home Office spends on deportations. Damian Green responded with the following tables:

Public Expense Removals (PERs)	
	£ million
2005-06	2.6
2006-07	20.2
2007-08	22.3
2008-09	27.0
2009-10	27.5

	£ million
2005-06	12.6
2006-07	22.2
2007-08	21.7
2008-09	10.8
2009-10	20.4

	£ million
2005-06	2.0
2006-07	3.2
2007-08	3.2
2008-09	6.3
2009-10	4.1

*Note:*  
EU funding for 2008-09 and 2009-10 is subject to audit and possible amendment.

**Detention of Children**

*(Hansard, HC 23 March 2011, c1164W)*

**Steve McCabe** asked when the detention of children of failed asylum seekers would end. Damian Green's response in full :

*"On 16 December 2010, the Government announced a new package to deliver our commitment to end the detention of children for immigration purposes and the immediate closure to children of the family unit at the Yarl's Wood Immigration Removal Centre.*

*A new approach to managing family returns has been developed which places far greater emphasis on engagement with families and aims to encourage families to leave without the need for enforcement action if they are found to have no legal right to be in the UK.*

*Most elements of this new process went live across the UK on 1 March 2011, including a new independent Family Returns Panel to advise the UK Border Agency on how to ensure the return of those families who do not take up the opportunities to leave under their own steam. A range of options has been developed to provide sufficient flexibility for a tailored approach to each family.*

*As a backstop, a new option of pre-departure accommodation is being developed for use when other options for ensuring return have failed or are not appropriate. This will have a secure perimeter but families will be allowed to leave the premises with permission after a suitable risk assessment. It will have an entirely different look and feel to an immigration removal centre with more privacy and strictly time-limited stays.*

*Barnardo's will deliver the key welfare, safeguarding and support services. We expect this to open in the summer.*

*The small number of family rooms at Tinsley House Immigration Removal Centre may be used in place of the new pre-departure accommodation until May. After May, Tinsley House will only be used for those few families who are refused entry to the UK at the border and need to be held for a short time prior to their return or for criminal and other high-risk families who could not be accommodated safely in the pre-departure accommodation.*

**Tom Brake** then asked if a formal time limit on detention of children in a) Tinsley House b) the pre-departure accommodation and c) the open accommodation will be introduced. **Damian Green** responded that from May, Tinsley House will only be used for families who are refused entry at the border or for criminal or other CCD cases and need to be held 'for a short time'. Entry to the open accommodation will be 'on a voluntary basis' and families will be 'free to come and go'. Families will only stay in open accommodation when return can be delivered in 72 hours, or 5 days for Third Country Unit or NSA (non suspensive appeals). If the return fails, 'the family may remain in open accommodation, but their stay will not exceed a maximum of 28 days.'

*"Stays in pre-departure accommodation and in Tinsley House will be strictly time-limited: the normal maximum will be **72 hours**, which may be extended in exceptional circumstances to a maximum of seven days with ministerial authorisation."*

#### Law and Policy

### Judgment on unlawful detention of mother separated from her children

This case concerned the detention of a mother, following the completion of a prison sentence, which resulted in the separation from her three children, and the deportation orders served on her and the three children. The High Court has declared that the detention was unlawful.

The children were placed in separate foster care across the UK – all separated from one another. The decision, by Mr Justice Blair, was based on the fact that the Home Office could not assess the 'best interests' of the children in terms of the proposed deportation without gathering proper assessments, including from parents- which could not be gathered if the mother was in detention. You can access the full case [here](#)

### Settlement paid to Moldovan victim of trafficking, previously held at Oakington and Yarl's Wood

A Moldovan woman has won a groundbreaking settlement after she was sent back from the UK to Moldova where she faced further risk from her traffickers. She will receive 'substantial' damages from the Home Office for failing to take steps to protect her despite the grounds to believe she was at risk from her traffickers. The woman was kidnapped at age 14 and continually trafficked and re-trafficked for forced prostitution across Europe, including in the UK, until she was 21.

She was arrested in 2003 for possession of false documents and was imprisoned for three months, before being detained under the fast track immigration process at Oakington. At Oakington she was visited by her trafficker, posing as her boyfriend, to intimidate her. On her return to Moldova she was re-trafficked and arrested again in 2007 in the UK. She was held at Yarl's Wood and referred to the Poppy Project which supported her asylum claim. She has since been granted refugee status.

#### News, Statistics and Reports

### First Annual Report of the National Preventive Mechanism (2009-10)

In 2003, the UK ratified the OPCAT (the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment) - the basic premise of OPCAT is that protection for those detained (prison, police custody, children's secure accommodation, military and mental health detention, and other places where people may be deprived of their liberty) can be

strengthened through regular visits. All states that have ratified the OPCAT must designate a National Preventive Mechanism to visit all places of detention to monitor the treatment of detainees.

In March 2009 the UK set up its NPM, consisting of 18 bodies which visit or inspect places of detention. Coordinated by HMIP, this includes HMIP and IMBs (Independent Monitoring Boards). A full list is available on the HMIP website.

The first report of the UK NPM outlines the following in terms of immigration detention:

- The detention of children for immigration purposes was cited as a key concern by all members of the NPM who visit the immigration estate..... members recommended that the detention of children be ended and viable alternatives to detention be developed
- **Independent Monitoring Boards** expressed concern over the length of detention in IRCs. Concern was expressed over the impact of such long-term, indefinite detention on mental health. Boards are also concerned about the building or refurbishment of the immigration detention estate using criteria that would normally apply to prisons.
- **OFSTED** found that in the immigration detention estate, the management and planning of education were often weak. Education was not promoted sufficiently and the take-up was low. The education offered was often too narrow.

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

## Migration Observatory

The Migration Observatory is a new initiative based at the University of Oxford. It provides *“independent, authoritative, evidence-based analysis of data on migration and migrants in the UK, to inform media, public and policy debates, and to generate high quality research on international migration and public policy issues”*

The Observatory has published a policy primer on immigration detention and an interesting ten

minute video which also touches on alternatives to immigration detention.

You can access these and several more resources by clicking [here](#).

## HMIP report into conditions in short term holding facilities (March 2011)

HMIP has published a review of conditions in STHFs between 2004 and 2010. Based on 81 reports in this period, the report highlights various problems including:

- Failure to hold men and women separately
- Lack of information for detainees in their own languages
- Detention of children (including unaccompanied children) sometimes for ‘long periods’.
- Length and conditions of stay: people were regularly held for more than 12 and sometimes more than 24, hours. This includes pregnant women. Rooms did not have adequate sleeping or washing facilities for this length of stay.
- Use of force: was not properly documented, and the recipient was not routinely referred to a medical practitioner afterwards.
- Use of handcuffs when being escorted between facilities.

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

## ‘Rights of Women’ launches new advice line

From 1 April, Rights of Women will operate an immigration and asylum law advice line for advice on, for example: the rights of EEA nationals and their family members, claiming asylum in the UK, trafficking, domestic violence and immigration law and no recourse to public funds. Lines are open on Mondays 2-4, and Wednesdays 11-1. The numbers are:

TELEPHONE: 020 7490 7689/020 7490 7689

TEXTPHONE: 020 7490 2562/020 7490 2562

## Upcoming Events

### Detention Forum Quarterly Meeting 27<sup>th</sup> May

The next Detention Forum meeting will take place on the 27<sup>th</sup> May, 1pm - 3pm, at the Barrow Cadbury Trust. On the agenda:

- Joint letter to the JCHR
- Feedback from groups who have visited or made contact with their MPs after the parliamentary meeting in November
- Roundtable meeting for MPs who want to discuss the issue of immigration detention in mid June (this was something which was raised at the parliamentary meeting)

To book your place contact Eiri Ohtani [asylumrights@googlemail.com](mailto:asylumrights@googlemail.com)

### Asylum Support Appeals Project report launch, 26<sup>th</sup> April

ASAP is launching a new report 'No Credibility: UKBA Decision Making and Section 4 Support' on 26<sup>th</sup> April at 5.30pm. The key finding is that 82% of London-based asylum seekers refused support on the grounds they were not destitute had the decision overturned on appeal. The report scrutinises UKBA decision making quality and highlights shortcomings.

The venue is:

Oxford House, Derbyshire Street,  
Bethnal Green London E2 6HG

### Equality and Diversity Forum conference: 17<sup>th</sup> May

The Equality and Diversity Forum is holding a conference to consider how to promote equality for refugees and migrants. The conference is the culmination of a project to identify the inequalities experienced by refugees and migrants and consider how the new equalities framework and measures in the Equality Act 2010 might be used to address them.

The conference is at Coin Street Neighbourhood Centre, 108 Stamford Street, London SE1 9NH and starts at 10.30 on the 17<sup>th</sup> May. The event is free but places are on a first come, first served basis: [info@edf.org.uk](mailto:info@edf.org.uk)

### An Introduction to SOAS Detainee Support



#### *About SDS*

SOAS Detainee Support is a student-led initiative working in solidarity with asylum-seekers and other migrants in detention centres. We aim to reduce isolation through visits, to empower detainees and to lobby for an end to the use of immigration detention.

#### *How we began...*

SOAS Detainee Support started in 2005 as a campaign run by SOAS students for two Ugandan twins, Judith and Maria. The girls came to speak at SOAS about their experiences as young asylum seekers, of the immigration system and of detention. For many it was the first time to hear of the shameless human rights abuses being carried out in the UK and it came as a shock. However, as much as people were saddened and angered by the treatment the girls had received, we were inspired by their tremendous courage and sense of hope.

When Judith and Maria were detained for the fourth time, less than a fortnight later, it was a call-to-arms for many of the students who had met them. People from SOAS began to visit the twins in Yarl's Wood IRC and formed a campaign

to stop their “removal” to Uganda and calling for their immediate release.

Ultimately it was unsuccessful – Judith and Maria were forcibly returned to Uganda. This was a massive blow to everyone who had grown close to them. However, the feeling was very much that the battle had been lost but the war was far from over. During the campaign students from SOAS had had their eyes opened to the reality of immigration detention centres and of forced deportation. At the same time, they had learnt how to deal with solicitors, carry out legal research, lobby politicians, engage with the media and organise demonstrations.

It was widely felt that this would not be in vain, so in September 2006 the SOAS Detainee Support Group was founded as a society at SOAS. Since then, membership has continued to increase and now includes students from other London universities and non-students. We work closely with other organisations defending asylum seekers’ and migrants’ rights and are developing links with other student groups in SOAS and other parts of the country.

#### ***What we do...***

Visiting is central to who we are as a group. We visit Yarl’s Wood IRC, located in Bedfordshire, north of London, where single women (and families) are detained. The nature of support depends on the specific needs, desires and circumstances of the person being visited. We offer emotional support, help with finding a solicitor or medical expert, help with campaigns, and more. We also continue to support people after they have been released.

We have an ongoing campaign to end the detention of children and families. We spread awareness among the general public, and students in particular, of the conditions in which children and families are detained and the effect it has. We have recently been campaigning to stop a new detention centre from being built in Pease Pottage, Surrey. Unfortunately, planning permission has been granted so the fight continues.

We have built strong connections with other organisations and have presented at various events to develop an efficient and effective

country-wide campaigning network against immigration detention and unfair borders. This includes highlighting the connections between world wide issues and immigration control.

We also raise a lot of our money through benefit gigs, under the name of Release. With amazing music and great energy, they also help to spread awareness of our work of the importance of supporting migrants and asylum seekers.

#### **Bethan Bowett-Jones, SOAS Detainee Support**

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