

AVID

Association of Visitors to Immigration Detainees

Patrons: Colin Firth, Lord David Ramsbotham, GCB, CBE and John Scampton, CBE

Registered Charity No. 1063784

In Touch

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News from AVID

Launch of the 2011 Visitors Handbook:

The latest AVID Handbook for Visitors is now available. This resource, produced by AVID since 1997, is the only guide of its kind. It has been wholly revised and updated, including new chapters on for example, supporting vulnerable people in detention. All legal and policy chapters have been updated. The Handbook is also useful for anyone interested in immigration detention as it may also be used as a reference tool.

The Handbook is available to all volunteer visitors and AVID members for £5.00 and to external partners and other organisations for £10.00. For more information and to order a copy, contact the AVID office: enquiries@aviddetention.org.uk

All member groups should receive their complimentary copies in the next couple of weeks.

AVID AGM: farewell to retiring trustees and welcoming new faces

The AGM was held at Doughty Street Chambers on the 28th June- many thanks to all who came along to the event which focused on launching the handbook. Our guest speaker Helen Ireland gave an interesting overview of the history and development of the AVID handbook since its first edition in 1997. We also bid farewell to two of our long standing trustees, Sally Tarshish (Chairman) and Eike Ndiweni- Muller (Secretary). Both Sally and Eike had been involved with AVID since its very early stages, and over the years their contribution has been invaluable.

The AGM welcomed Kathy English as our new Chairman. Madeline Church continues in her role as Treasurer.

We are also very pleased to welcome our three new trustees, who were elected at the AGM. I'm sure you will get the chance to meet them over the coming year:

Julie Gibbs: Julie has worked in social research settings for the past ten years. Most recently Julie has been managing ICAR, the Information Centre for Asylum and Refugees. Julie has been working with BID on their research looking at access to legal advice in detention (see below).

Carolina Albuerne Rodriguez has many years experience in the asylum and refugee field, including at the Refugee Council where she specialises in women's issues, asylum support and the reform of the legal aid and asylum processes. Carolina currently also works with trafficked women at the Poppy Project in London. She has extensive experience working with detainees particularly at Yarl's Wood.

Juliette Stevenson currently works for the 'Refugees into Teaching' project, an employment and integration project at the Refugee Council. Her previous experience includes working as a UNHCR Protection Officer in Nairobi. She

currently visits detainees at Harmondsworth and Colnbrook IRCs as a visitor with Detention Action.

AVID Board:

Kathleen English	Chairman
Madeline Church	Treasurer
Neil Mulhern	Trustee
Catrin Ingham	Trustee
Juliette Stevenson	Trustee
Julie Gibbs	Trustee
Carolina Albuerne Rodriguez	Trustee

Latest Annual Report available!

The AVID annual report is also now available. You can access it via our website. Members will also have received copies in the post. It details our activities in the past year and an overview of changes in the detention estate. If you would like a copy please email the office.

AVID monitoring survey: Conditions in Detention

AVID is carrying out our annual monitoring survey into conditions in detention, across each IRC and STHF. We undertook this survey last year with all member groups. We were able to use this data and information in our advocacy work as we found great discrepancies across the estate in many different areas, for example: information and communications, healthcare, outside space, freedom of movement, food, recreation, activities, and much more.

Most critical was the huge variance in access to healthcare and in particular mental health care, which was the impetus for AVID's current focus on this as a critical issue. The Detention Services Operating Standards, designed to ensure consistency across the estate, do not go far enough in key areas. Our plan is to undertake this exercise on an annual basis so that we can compare conditions over time and use this information as the basis of our negotiations with UKBA.

We encourage all member visitor groups to take part, as this is a useful exercise that will be of

benefit to all groups- and ultimately can be used to lobby on behalf of all detainees. If you have not yet returned the survey, please do so as soon as possible.

We will work on collating the data and hope to produce a report which will be circulated to all members and partners.

****GOOD NEWS****

AVID and GDWG: Tinsley Phone Pilot Evaluation – positive outcome for detainees!

Many of you will remember the news in our last edition of *In Touch* that a pilot phone system in Tinsley House IRC (near Gatwick) was causing considerable concern amongst visitors groups. The pilot scheme, initiated by G4S, involved detainees having to hand over their mobiles on arrival at the centre and being issued with a centre-specific mobile. These mobiles were tied to a specific phone provider, resulting in high tariffs for all detainees- restricting their freedom of choice, and significantly reducing their ability to communicate with the external world. GDWG had received many complaints from detainees who were no longer able to call their families under the pilot scheme. The pilot, if successful, would have seen this scheme rolled out to other centres, and we were very concerned this would be a backwards step.

AVID and GDWG were able to take part in the evaluation process outlining our concerns about the unfair nature of the scheme and its potentially damaging impact on the most vulnerable detainees. We are very pleased to let you know that on the basis of the evaluation, UKBA and G4S have decided not to continue with the scheme.

Update on the Detention Estate

Concerns over death in Colnbrook IRC

AVID was saddened to hear about the death of Muhammed Shuket in Colnbrook IRC on the 2nd July. Muhammad, from Pakistan, was 47 years

old. He died on his way to hospital, according to the UKBA website. Our thoughts are with his family and friends.

Details are scarce at this time. The death is being investigated by the Prisons and Probation Ombudsman and an inquest is pending.

Northern Ireland's first detention centre opens in Larne, near Belfast

On the 5th July Larne Short Term Holding Facility opened in Northern Ireland. The facility will hold up to 21 men and women for up to seven days and will be managed by Reliance PLC who also hold the escorting contract. AVID member the **Northern Ireland Law Centre** are a key point of contact for us and we will be working with this group to ensure as much support as possible to those who might be interested in visiting the centre as well as those held there.

HMIP inspection of short term holding facilities at Heathrow finds evidence of the continued detention of children (6th July 2011)

Unannounced inspections of the (non residential) short term holding centres at Heathrow terminals 3 and 4 highlight various areas where improvements are required, as well as highlighting that the detention of children is continuing despite governmental pledges to the contrary.

The report highlights the case of a five year old child who was held without the necessary authority (form IS91). The child's father was being held, and the child was admitted into the holding room as a 'visitor'. In effect, the child was held with his father but was not registered in official statistics. Despite being admitted as a visitor the child was searched even though other visitors (including the inspectors) were not searched. This incident happened during the inspection and was witnessed by HMIP staff.

Recommendations from the report include:

- implementing sensitive approaches to managing and addressing people being

removed; ensuring detention forms are read to detainees and signed;

- providing better and more accessible information to detainees on the reasons for detention;
- improving search practices;
- providing better access to communication;
- improving resting and sleeping facilities;
- Increasing awareness amongst staff of the inter-agency national referral mechanism to identify trafficked children.

The holding rooms are managed by G4S, which also manages Tinsley and Brook House IRCs near Gatwick, Dungavel IRC, and Larne STHF. The reports can be found [here](#) and [here](#).

News, statistics and reports

BID and ICAR research: Access to Legal Advice

BID and ICAR have surveyed the level of legal representation among detainees across the UK detention estate – this is a follow up study to their earlier research. The key points of note include:

- The proportion of detainees with a legal advisor has gone up
- The proportion of detainees who have never had a legal advisor while in detention has gone down
- The level of awareness of the DDA scheme has gone down (from 53% to 42%)

You can access the full results on the BID website.

Amnesty International briefing calls for the 'complete overhaul of enforced removals by private contractors'

The international human rights charity has issued a short report looking at the use of force in the removals process- available [here](#). AI has also launched a campaign against the use of excessive force in removals processes, which is supported by the widow of Jimmy Mubenga who died

during a forced return in October 2010. The report details various cases of the use of excessive force as well as outlining the dangers inherent in the 'Control and Restraint' techniques used by UKBA staff, the insufficient provision of staff training, and further concerns about the use of private companies to carry out these removals.

AI calls for improved training and accountability of private staff involved in immigration removals as well as restrictions on the restraint techniques used.

Global Detention Project: UK profile

The Global Detention Project (www.globaldetentionproject.org), based in Geneva, aims to map global use of detention. They have recently updated their UK profile with the latest facts and figures on the use of immigration detention in the UK. This includes policy on detention, facts and figures, and an update on detention of children. AVID statistics were consulted in the development of the profile.

You can access it here:

<http://www.globaldetentionproject.org/countries/europe/united-kingdom/introduction.html>

Parliamentary Monitoring/ Law and Policy update

Immigration detention: inquiry into unlawful detention

(Hansard: HL, 27th June 2011,cWA372)

Lord Hylton asked whether the government would establish an independent inquiry into immigration detention with the aim of ending unlawful detentions and of preventing the detention of vulnerable persons, in particular survivors of torture. **Baroness Browning** replied that they do not think such an inquiry is necessary. She outlined that UKBA's published guidance on detention 'makes it clear that individuals considered vulnerable should only be detained in exceptional circumstances. This includes individuals for whom there is

independent evidence that they have been tortured'.

Immigration detention: transfers

(Hansard: HL, 27th June 2011,cWA372)

Lord Avebury asked whether they intend to instruct the UKBA on the transfer of immigration detainees to a different detention centre when they have a hospital appointment. **Baroness Browning** replied:

'The UK Border Agency takes health and well-being of those in its care very seriously. Where it is known that a detainee has a referral for a hospital appointment or treatment, he or she will not be transferred to another immigration removal centre in advance of that appointment unless in exceptional circumstances or in their best interests.'

Immigration Detention: Access to Legal Advice

(Hansard: HL, 28th June 2011,WA409)

Lord Avebury asked the Government what assessment they have made of the quality of legal advice available to immigration detainees; and what are the proportions of successful applications for bail granted to detainees respectively with and without representation. **The Minister of State, Ministry of Justice (Lord McNally)** replied:

'The quality of legal aid advice and the administration of legal aid is the responsibility of the Legal Services Commission through the award of contracts with solicitors firms and not for profit organisations. All legal aid providers are subject to a quality assurance framework, their contract work is monitored by the LSC, and they are subject to a number of supervisory requirements. Caseworkers that carry out immigration legal aid must be registered with the Solicitors Regulation Authority or the Office of the Immigration Services Commissioner and comply with the terms of the Law Society's Immigration and Asylum Accreditation Scheme, which directly tests the competence of individuals in immigration and asylum law.'

The table below shows the number of bail applications and their outcomes for clients in immigration detention for the year 2009-10, split between those with and without legal representation. Legal representation covers both those that are funded by legal aid and those who are privately represented.

	Total	Completed*	Granted	Refused	Withdrawn/Abandoned
Bail Applications (Detained)	7,200	7	173	4,175	2,845
Not Represented	2,616	6	57	1,690	863
Represented	4,584	1	116	2,485	1,982

* completed is where the bail issue is no longer applicable

Immigration detainees: Access to Legal Advice

(Hansard: HC, 28th June 2011,c683W)

Dr Julian Huppert asked what proportion of those in detention have a) an appointed legal representative b) a legal representative they selected and c) no legal representative. **Damian Green** replied that the UKBA don't hold this information centrally and the information could only be gathered at disproportionate cost.

Immigration detainees: Access to Legal Advice

(Hansard: HC, 28th June 2011,c684W)

Dr Huppert then asked how many people in detention have a) been diagnosed with serious medical conditions b) are torture survivors c) are pregnant d) are children and e) are elderly. **Damian Green** replied that the UKBA does not hold information centrally about those 'who have a serious mental health condition or who are torture survivors. Specifically in relation to mental

health conditions, this information is held on an individual's medical file which is confidential.' He then cited the procedure for Rule 35, stating that 'Medical practitioners who work in immigration removal centres are required to report to the UKBA where they have concerns a person's health is likely to be injuriously affected by continued detention.....however there are a number of circumstances where detention may nonetheless be appropriate. These are for reasons of public protection, where a person has been convicted of a crime, those who have persistently failed to abide by the terms of their detention, and in order to affect removal'.

This last criterion- to affect removal- is the stated purpose of immigration detention.

Immigration detainees: transfers

(Hansard: HC, 28th June 2011,c684W)

Dr Huppert asked how many detainees had been held in more than one centre, more than three centres, and more than five centres in the estate. **Damian Green's** response was that this information is not held centrally and would only be available, again, at 'disproportionate cost'. He added:

'The UKBA aims to keep the number of transfers between its places of detention to a minimum, but inevitably detainees are sometimes moved for a variety of reasons, including because their behaviour requires them to be held in a more secure environment, because they are required for an interview at a particular centre, or because they are being moved close to an airport for their removal from the UK'.

Immigration detainees: barriers to deportation

(Hansard: HC, 28th June 2011,c684W)

Dr Huppert asked what estimate has been made of the number of people in immigration detention who are unlikely to be deported in the next 12 months. The response from **Damian Green** was that UKBA expects that detainees will be removed when their immigration case has been completed: 'immigration detention powers are mainly used to secure removal and intention and ability to remove are intrinsically linked to the decision to detain. There will be inevitably be

a small number of detainees who for a variety of reasons.....are granted some form of leave to remain’.

Deportation and FNPs

(Hansard: HL, 29th June 2011,cWA441)

Lord King of West Bromwich asked the following questions:

- How many foreign offenders were identified as liable for deportation in each of the past five years?
- How many foreign offenders were deported in each of the past five years?
- How many foreign offenders have completed their sentences and are still in prison awaiting deportation?
- How many foreign offenders in British prisons have been detained after completion of their sentences for (a) one year, (b) two years and (c) three years or more while awaiting deportation?
- Whether the detention of foreign offenders after the completion of their sentences while awaiting deportation is compatible with human rights legislation?

Baroness Browning: *“The table below sets out the number of liability to deportation letters served in each year. The liability to deportation letter is given to all foreign national prisoners (FNPs) who meet the criteria for deportation near the beginning of their sentence. It explains the FNPs’ liability to deportation and gives them an opportunity to state why they should not be deported or, where applicable, why they are exempt from automatic deportation.*

Year	Number of Liability to Deportation Letters served
2007	6330
2008	5225
2009	5635
2010	6110

The table below shows the published figures for number of foreign nationals removed or deported from the UK. Please note that the data

for 2006 are not considered to be reliable for publication.

Year	Number of foreign nationals removed or deported from the UK.
2007	4200
2008	5400
2009	5530
2010	5235

UK Border Agency management information shows that in 2010, for an average month, **approximately 635 foreign national prisoners were detained in prisons and 1,135 detained in immigration removal centres beyond the end of their custodial sentence** while deportation was considered. These average figures are based on internal management information and are subject to change.

The table below shows a snapshot of time served by FNPs detained under immigration powers in prison at the end of May 2011, by length of detention.

Length of time detained beyond the end of sentence in prison	Number detained
Time Served 12-24 months	45
Time Served 24-36 months	30
Time Served 36 months +	10

“We are satisfied that detention policies and practices comply with human rights legislation. All decisions to detain are taken on the basis of the individual circumstances of the person concerned, taking account of all factors arguing both for and against detention, and are kept under regular review. The UK Border Agency’s detention policy starts with a presumption of liberty but the courts have held that it is appropriate to consider the risks of absconding, re-offending and subsequent harm to the public in making these decisions. Immigration Act powers to detain are not time limited. However, domestic and European Convention on Human Rights (ECHR) case law provides that detention must last for no longer than is reasonably necessary for the purpose for which it is authorised and must not be of excessive duration.”

Cost of Detention

(Hansard: HL, 29th June, cWA443)

Lord Avebury asked the average cost per person per night of immigration detention. **Baroness Browning** replied that the current average is £102 per night.

Detention of Children

(Hansard: HL, 6th July)

Lord Roberts of Llandudno asked Her Majesty's Government how many children were detained for immigration purposes in each month of 2011.

The Minister of State, Home Office (Baroness Browning) replied that monthly figures are not available, but gave the following table:

Children entering detention ^{(M)(1)} held solely under Immigration Act powers, by place of initial detention, January to May 2011 ⁽²⁾⁽³⁾⁽⁴⁾						
United Kingdom						Number of children
Place of initial detention	Jan	Feb	Mar	Apr	May	Total
UK Border Agency Removal Centres						
Brook House	0	0	1	0	0	1
Campsfield House	0	2	0	0	1	3
Dover Immigration Removal Centre	0	0	0	0	0	0
Dungavel	0	0	0	0	0	0
Harmondsworth	0	0	0	0	0	0
Haslar	0	0	0	0	0	0
Lindholme	0	0	0	0	0	0
Morton Hall (5)	:	:	:	:	0	0
Tinsley House	2	0	4	0	7	13
Yarl's Wood	0	0	0	0	0	0
UK Border Agency Short Term Holding Facilities						
Colnbrook Short Term	0	0	1	0	0	1
Pennine House	0	0	0	0	0	0
Grand Total	2	2	6	0	8	18

(1) Some detainees may be recorded more than once if, for example, the person has been detained on more

than one separate occasion in the time period shown, such as a person who has left detention, but has subsequently been redetained. (2) Figures exclude persons recorded as entering police cells and Prison Service establishments, those recorded as detained under both criminal and immigration powers and their dependants.

(3) Figures include dependants.

(4) May include persons detained for less than 24 hours.

(5) Morton Hall opened on 16 May 2011.

(M) These figures are based on management information and are not subject to the detailed checks that apply for national statistics. They are provisional and subject to change. These figures may alter when produced for the national statistics publication following more detailed checking.

News from the Sector

Immigration Advisory Service goes into administration

No doubt we have all heard about the demise of **Immigration Advisory Service** in the last fortnight. The charity was the largest not for profit provider of immigration advice in the UK and employed over 200 people. Contributing factors are thought to be the cuts to the legal aid budget and to fees for doing legally funded work.

IAS also held contracts to deliver the Detention Duty advice surgeries in immigration removal centres, including Lindholme and Tinsley House. The LSC has published the following on their website:

"Our priority now is to work closely with IAS and the administrators to ensure clients of IAS continue to get the help they need, whilst safeguarding public money. We are now identifying alternative advice provision in the areas affected and arrangements for case transfer will follow as soon as possible."

The IAS has also published advice to clients on its website. To access this [click here](#).

Changes to Refugee Council Advice Services

The Refugee Council offices in London are now closed to drop-in clients. Instead Refugee Council operates an advice line where it is possible to speak to an adviser – this is free and can be in minority languages. The number is: 0808 808 2255. The service is available in: Kurdish Sorani, Farsi, Mandarin, Pashtu, Arabic, Tigrinya and English. They will give advice, information and support over the telephone or, if necessary, book face to face appointments for one of our offices in London, West Midlands, East of England and Yorkshire and Humberside. For more information click [here](#).

Home Office consultation on family migration

The Home Office has launched a consultation on family migration which “seeks to deliver better family migration” by focusing on preventing and tackling abuse, promoting integration and reducing burdens on the tax payer. The key proposals focus on the following areas:

- Marriage and civil/other partnership
- Tackling sham marriage
- Tackling forced marriage
- Other family members
- Points based system dependents
- Refugee family reunion
- Family visit visa
- ECHR Article 8: individual rights and responsibilities

Various organisations such as Joint Council for the Welfare of Immigrants (JCWI) have provided a useful overview of their concerns about the proposals, in particular that it will restrict family migration to the UK. For more information click [here](#).

Bail guidance for immigration judges published

Bail Guidelines for Immigration Judges were published on the 11th July. This provides information from Judges on bail- it is a note setting out when and how an Immigration Judge should consider granting immigration bail. The

guidance is not for Judges to make rulings on the legality of detention, but it importantly states:

‘...it will be good to grant bail if for one reason or another continued detention might well be successfully challenged elsewhere.’

The guidance is available here: www.justice.gov.uk/downloads/guidance/courts-and-tribunals/tribunals/immigration-and-asylum/lower/bail-guidance-for-immigration-judges.pdf

AVID, July 2011