

AVID

Association of Visitors to Immigration Detainees

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Registered Charity No. 1063784

In Touch

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News from AVID

Merry Christmas and a Happy New Year from everyone at AVID!

Our Director, the Trustees and volunteers here at AVID would like to wish all our members a very restful holiday period. It has been a busy and difficult year for the sector. Beginning with the news that the Morton Hall re-role to an IRC would go ahead, via the opening of Larne STHF and ending with the news that Yarl's Wood will hold single men in 2012 and that Lindholme will close, 2011 has seen various changes in the make up of the detention estate to which we've had to react and respond. The presence of volunteer visitors in every detention facility has remained consistent and has helped many hundreds of detainees by making their difficult situation that bit more bearable. Visitors often represent hope for detainees: the chance to talk, to be heard, and to know that someone cares enough to give up their time to help in whatever way they can. We hope that over the holidays all visitors have time to reflect on what they have achieved this year. Sometimes we can get so frustrated with the system - endlessly thinking of the many things that we can't do for those affected by

detention - that we can forget that every visit is important and that every visit makes a difference. So, many thanks to all volunteer visitors across the UK for continuing to make a difference!

Please note that the office will be closed from 23rd-3rd January inclusive. Emails will be checked only intermittently in the period. Urgent calls only to 07900 196 131.

Detention Forum Parliamentary Network Meeting

AVID attended the Detention Forum's facilitated Parliamentary Network meeting on 7th December. These Parliamentary Network meetings are held every six months and are for interested parliamentarians to engage with one another on issues of immigration detention. We had 9 parliamentarians attend, with 8 sending their researchers- there is clearly interest building in the issue. The meeting was chaired by Julian Huppert, MP for Cambridge. We heard presentations from John Vine (Independent Chief Inspector of UKBA, on his recent report on the UKBA treatment of foreign national ex-offenders) and Elizabeth Bowles (Equality and Human Rights Commission, on the forthcoming review of Human Rights in the UK).

John Vine spoke to his recent report, highlighting that 97% of his sample of foreign ex offenders remained in detention post sentence. This is despite the majority having been sentenced for fraud and forgery – i.e. non-violent convictions. It was encouraging that many round the table shared our concerns that this is unacceptable. John Vine also spoke of a cultural 'fear and reluctance' to release. We hope that further discussion of this nature amongst parliamentarians can ensure that the necessary pressure is exerted on UKBA to challenge these entrenched attitudes.

NGOs had the opportunity to prepare a briefing paper in advance for MPs and Peers. The papers

are available – contact AVID for details. It includes a briefing from the Liverpool Prisons Visiting Group on immigration detainees in prison as well as contributions from Yarl's Wood Befrienders and Detention Action.

New section on our website: 'Inspecting Detention'

We've added a new section on our website to collate all inspection reports relating to detention. This includes HMIP reports on each IRC and STHF, as well as reports from the Independent Monitoring Boards and the Independent Chief Inspector of UKBA. We will also include information from the AVID annual monitoring of conditions in due course. The idea is that as much information on each IRC is available to all visitors as possible. You can visit the web page here: www.aviddetention.org.uk

Have you got any suggestions as to what would be helpful for you on the AVID website? If so, get in touch with Luke Martin our volunteer Information and Communications Officer on: Lukemartinavid@gmail.com

Update from the Detention Estate

Lindholme

As you know Lindholme IRC is to close. Stanley Platt, Coordinator of the Doncaster visitors group, has told us that there are as few as 25 detainees left in the centre. It is likely the facility will close earlier than planned in January. Detainees are being offered the opportunity to request a transfer to a different IRC. Many detainees are being transferred to Morton Hall.

New DDA rotas

The latest legal surgery rotas for the delivery of the Detention Duty Advice Scheme detail the firms that will delivery legal advice in each IRC until January. For copies of the rota please contact AVID directly. These will be made available on our website next year.

Feedback from AVID's stakeholder representation

DUG Medical Meeting

The latest 'DUG Medical' meeting was held on 18th November. This is the stakeholder meeting with UKBA Detention Services on health and medical issues in detention, attended by various NGOs. AVID attends on behalf of its visitor group membership. Minutes are available and circulated to all members. Contact Ali if you did not receive them and would like a copy. Key points of discussion included:

- **Rule 35 Detention Service Order (DSO):** Rule 35 is the key mechanism for securing the release of detainees who have suffered torture or have other vulnerabilities such as mental health concerns. Visitors will know that there have been ongoing problems with the operation of Rule 35 for many years. As part of the follow up to the Rule 35 audit, a new DSO for the operation of Rule 35 is being drafted by UKBA. There will also be new training packages for staff. NGOs were given the chance to comment on the new draft DSO.
- **Suicide and self harm in detention:** AVID raised issues around the management of self harm in detention, as part of our ongoing work on mental health (in partnership with BID). We have a separate meeting planned with UKBA to discuss this and the wider 'Safer Detention' concept. Self harm is managed differently in each centre and we are calling for a standardised approach based on best practice to ensure the safety of all detainees.

Detention and Escorting Forum

This forum was held on the 15th November. It is a smaller forum which replaced the DUG (Detention User Group) earlier this year. AVID cannot circulate the minutes of the meetings and is bound by Chatham House Rules.

Chatham House Rules mean that general information can be discussed from the meeting but it cannot be attributed to particular attendees. AVID has raised this as an issue with UKBA as our attendance there is bound to our membership. We can therefore report very generally that:

- **The induction process:** there was a discussion about the induction process at which concerns were raised regarding the inconsistent access to information across the estate. Some IRCs have lengthy inductions and others give patchy information. It was relayed that much of the information at induction is essential to detainee rights and entitlements (e.g. legal advice and medical) and there should be a standardised approach. This will be considered.
- **Internet access:** A discussion about detainees' access to the internet focused on inconsistencies in blocking access to sites, downloading PDFs, and email communications. It is hoped that a standardised system based on the level of access in libraries and other public spaces can be considered.

Don't forget if there are issues and concerns relating to detention services operations in the IRC in which you visit, that you can feed in directly to this process by contacting AVID via your visitors group.

HMIP Inspection Report: Yarl's Wood IRC

The Chief Inspector of Prisons has published a new report on Yarl's Wood IRC in Bedfordshire which holds women and adult families. It was the first inspection since the closure of the family unit. You can read the full report [here](#).

The key points raised by HMIP are that while improvements have been made, Yarl's Wood is still detaining too many vulnerable women. There were 7 pregnant women in detention at the time of the inspection, despite UKBA's own policy guidance which states that pregnant women should only be detained in 'exceptional circumstances'.

The report also highlights that monthly reviews of detention of pregnant women by the case owners did not take into account the pregnancy, in some cases not even mentioning it. AVID is very concerned that the specific needs of these women are not considered by those who maintain detention. We believe that pregnant

women should not be detained in any circumstances.

AVID is working with UKBA on raising issues of this nature as part of our involvement with the Asylum Aid 'Charter of Rights of Women Seeking Asylum'. We recently raised the issue of pregnant women directly with UKBA Detention Services as part of our ongoing work in pushing for Equality Impact Assessments throughout the detention estate. We have been told that these assessments will be carried out in the New Year.

News, statistics and reports

Three new reports from the ICIUKBA

The Independent Chief Inspector of UKBA, John Vine, has published three new reports. This includes his annual report which is available [here](#). This is a good overview of the inspections undertaken in the last twelve months.

JRS Europe new report 'From Deprivation to Liberty: Alternatives to detention in Belgium, Germany and the United Kingdom'

JRS Europe has published a new report, which looks at alternatives to detention. It focuses on Belgium, the UK and Germany and is based on interviews with 25 migrants in alternative to detention programmes. This includes 'accommodation units' in Belgium, a facility for unaccompanied children in Germany, and 'reporting and tagging' in the UK. Key findings include:

- Community based measures are a move in the right direction but only if supported by appropriate legal, social and other measures.
- The UK elements (reporting and tagging) do not function well- the report highlights the impact of destitution.

The report is available [here](#).

**Notes from legal round table: Visitors
Groups, BID, ILPA**

AVID recently circulated notes from the roundtable meeting, organised by BID and hosted by the Legal Services Commission, to discuss problems with the detention duty advice scheme. These concerns were particularly around the immigration specification that provider firms have to work within, and the quality of work carried out. Dover Detainees Visitors Group, Gatwick Detainee Welfare Group and Detention Action took part in the round table along with BID and ILPA. These organisations produced a briefing paper outlining their concerns.

The briefing from NGOs and the minutes from the round table, at which legal firms were also present, are available (contact Ali if you didn't receive them in the first circulation). Follow up work from BID and ILPA is ongoing and they are keen to work with visitors groups in engaging with particular centre managers and firms on site. Contact Ali at the AVID office for more information on this.

Legal round up

High Court ruling that the deportation of Sri Lankan family 6 years ago was unlawful

M, R (on the application of) v SSHD (6 December 2011)

The High Court has ruled that the detention of a Sri Lankan family of asylum seekers six years ago was unlawful. The ruling also states that the UKBA should return the family to the UK. Compensation must also be paid to the family. The ruling stated that the family's rights had been violated. The family were taken from their home in a dawn raid and denied access to legal advice before being flown out of the country.

Detention at Campsfield House

K (R (on the application of) v Secretary of State for the Home Department & Leicester City Council [2011] EWHC 3188 (Admin) (2 December 2011)

In this case, the claimant was given permission to challenge the decision to detain him in August 2010 on the grounds that the Secretary of State

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(through UKBA) had acted contrary to policy whilst refusing him permission on his challenges *inter alia* to an age assessment and to detention on the basis of age. The full judgment is [here](#)

Parliamentary Monitoring

Children resident in Scotland before detention
(*Hansard HC, 29th November 2011, 82044 and 82045*)

Pete Wishart MP (Perth and North Perthshire) asked how many children held in pre-departure accommodation had been resident in Scotland prior to their enforced return (**Damian Green response:** One child, in November 2011) and how many children resident in Scotland have been moved to Yarl's Wood since May 2010 (**Damian Green response:** No children)

Immigration Detention: Cost
(*Hansard HC, 29th November 2011, 82106*)

Priti Patel MP (Witham) asked for the daily average cost of immigration detention. **Damian Green responded** that in 2011-12 the daily cost of holding an individual in the UKBA detention estate is £102.

Dawn Raids
(*Hansard HC, 1st December 2011, 82091, 82092, and 82903*)

Pete Wishart MP (Perth and North Perthshire) asked three questions relating to the time of day at which UKBA visits homes for the removal of failed asylum seekers and illegal immigrants. This includes (1) whether UKBA has plans to review the policy on timing of visits (2) if they will place a copy of guidance on visits given to immigration officers in the Library and (3) whether guidance is given on the time of day a visit should take place to a home where a child is resident. The response from **Damian Green** was that there is clear guidance.....set out in chapters 31,45 and 61 of the Enforcement Instructions and Guidance (available on UKBA website)....All existing policy and guidance is regularly reviewed.

Specifically on the return of a family with children, the following response was given (edited):

'.....an individually tailored return plan will be referred to the Independent Family Returns Panel. Enforcement visits will only place when (the

Panel) has advised on the most appropriate time of day.....’

Detention of children

(Hansard HC, 1st December 2011, 77051)

Jeremy Corbyn MP (Islington North) asked if the agreement reached with Barnardos regarding the detention of children and their families will be published. Damian Green responded that the terms of the agreement are ‘commercially sensitive’ and will not be published.

House of Lords: Questions following ICIUKBA report on foreign national prisoners

(Hansard, HL, 1st December 2011)

Lord Avebury asked for the Government’s response to the recommendations in the ICIUKBA report on the UKBA management of foreign national prisoners. **Lord Henley** responded that the report was taken seriously with’*of the eight recommendations, four were accepted in full, three in part and only one rejected. We have taken steps to implement and reinforce policy and procedures relating to the management of foreign national offenders*’. **Lord Avebury** and **Lord Ramsbotham** asked supplementary questions. Lord Avebury highlighted the ‘lukewarm’ response. You can see all questions and answers [here](#).

Cost of pre-departure accommodation

(Hansard, HC, 6th December 2011, 82048)

Pete Wishart MP (Perth and North Perthshire) asked how much funding the UKBA has allocated to investment in pre-departure accommodation since May 2010. **Damian Green** responded that the full cost of refurbishment ...at Cedars....was approximately £5.2 million which includes all building works, consultancy, furniture, fittings, IT and security.

Length of stay in the UK before detention

(Hansard, HC, 13th December 2011, 82102)

Priti Patel MP (Witham) asked what the total length of stay in the UK prior to detention has been for the 74 people who had been in detention longer than 24 months (as detailed in the Immigration Statistics April- June 2011).

Damian Green gave the following table:

Length of time (years) in the UK	Number of individuals
3	7
4	7
5	13
6	5
7	6
8	10
9	7
10	4
11	5
12	3
13	1
14	1
15	1
17	2
18	1
20	1

Events

Free workshop on statelessness, 6th January 2012

The Equal Rights Trust and Asylum Aid are conducting a free workshop on statelessness on the 6th January from 10am to 2pm in Asylum Aid’s offices in London. This workshop is for those working with asylum seekers, refugees and migrants and will include:

- International and legal frameworks
- Statelessness in the UK
- Detention of stateless people in the UK.

Places are limited but if you are interested please contact Eiri Ohtani: detentionforum@gmail.com

Jobs

Student Action for Refugees (STAR) seeks Campaign Intern

STAR is looking to recruit a campaigns intern to coordinate national campaigns. The closing date for applications is midday on the 9th January. Interviews will be held on Friday 13th January. Full details are available at: www.star-network.org.uk

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