

## 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

129 (June 2014)

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### News from AVID

#### **Another successful Coordinators' Conference**

This year's AVID coordinators' conference took place on the 3<sup>rd</sup> and 4<sup>th</sup> June at the Woodbrooke conference centre in Birmingham. We were joined by 16 representatives from visitors groups up and down the country for two days of training, workshops, sharing ideas and reflections. A huge thanks to all participants and to our guest speakers:

- Rita Chadha from RAMFEL (Refugee and Migrant Forum of Essex and London) on Operation Nexus: *Blurring the boundaries between criminal justice and immigration control*
- Colin Yeo (Barrister at Garden Court Chambers and editor of the Freemovement blog) on *The Changing Legal Landscape: detention, the Immigration Bill and the ongoing legal aid cuts* (you can access his presentation [here](#))

- Adeline Trude of BID on *Research and Policy: How visitors groups can help bring about positive change in detention*
- The Criminal Casework Review Commission on *Challenging Wrongful convictions of asylum seekers and refugees*

We also had two workshops on 'Building relationships with IRC and prison management' and 'Building safe, secure and trusted relationships between visitors and detainees'. A full report on the conference including notes from the presentations will be available within the coming month.

#### **Visitors Groups: A Refugee Week Celebration**

AVID Director Ali McGinley wrote a blog for the [Border Criminologies](#) website this month, celebrating the role of visitors groups. In the article she highlights the changing detention landscape and the evolving role of visitors groups over the last 20 years. You can access the blog [here](#).

#### **Oral history: Visitors Testimony Project**

We are delighted to announce that we've recruited a volunteer researcher to lead on our 20<sup>th</sup> anniversary celebration project. As you know we are preparing an oral history celebration of the role of volunteer visitors over the last 20 years. This will include a short film and report, available to all visitors groups to use, based on the experiences and testimonies of volunteers. Anna Lindley, Lecturer in Development Studies at SOAS, will lead on this project. She will be in touch soon with more information on how volunteers can take part. Welcome Anna!

**We are also fundraising for the 20<sup>th</sup> anniversary project. You can donate simply and easily by texting AVID20£10 to 70070 to make a £10 donation.**

Do you have any items for next month's newsletter? If so please send to [avidnews321@gmail.com](mailto:avidnews321@gmail.com) by July 15<sup>th</sup>

## News from Members

### Samphire's Ex-detainee Conference 2014

The Samphire Project held their annual Ex Detainee conference at the Amnesty International UK centre on the 19<sup>th</sup> June. As always the conference was a great chance to hear directly from ex detainees about the issues they face on leaving detention. In the words of one ex detainee "in prison you count down the days, in detention you count them up". The Ex Detainee project has helped 132 new clients in the last year, and is now actively supporting 507 people. You can find out more about this year's conference and the Ex detainee project by visiting the Samphire website [here](#).

## Detention Update

### Another tragic death in detention

Bruno Dos Santos, a young man in his 20s said to have a child in the UK, sadly died at HMP The Verne on 4<sup>th</sup> June. Our thoughts are with his friends and family and all who knew him.

A spokesperson for the Prison Service said: "*Bruno Dos Santos was found unresponsive by staff at HMP the Verne at approximately 7.30am on Wednesday June 4. As with all deaths in custody, the Independent Prisons and Probation Ombudsman will conduct an investigation.*" Little more is known at this stage. You can read coverage in the Independent [here](#) and in the Dorset Echo [here](#).

The **status of the Verne** continues to provide confusion, not least for detainees being held in prison conditions and without access to the same provisions as they would have in detention centres. A series of parliamentary questions on the Verne are highlighted in our *parliamentary monitoring* section, below. There is also an update on availability of legal advice at the prison, see *law and policy*.

### HMIP report on unannounced inspection of Cedars

HMIP carried out their second inspection of the 'pre departure accommodation' (a short term holding facility called Cedars which holds families). In 2013, 42 families were held there for an average of just over 3 days. Nick Hardwick, the Chief Inspector, described the distress experienced by the families held for enforced removal as 'palpable'. He said *'more should be done to address the jarring experiences some families have before arrival at Cedars, and to reduce the stress of removal. However, Cedars itself remains an example of best practice in caring for families who are to be removed'*. The report noted:

- The needs of children were not central enough to the arrest process and in one case, extreme force was used for several minutes to batter down a family's door, which would have been 'terrifying' if the family had been at home.
- A number of families were still detained on more than one occasion.
- While escorts were managed reasonably well, some light-touch restraint by escort staff was unnecessary and escalated at least one situation.
- Suicide and self-harm procedures had been initiated 25 times and there had been two recorded incidents of actual self-harm.
- Detainees had been placed on constant watch on 12 occasions.
- The high quality residential units and grounds provided a decent environment for families and children of all ages.
- Careful planning for each family had been sustained and in some respects improved.
- Despite undergoing an extremely stressful experience, families spoke highly of the care given to them by all staff.

You can read the report in full [here](#). Coverage from politics.co.uk is available [here](#).

## HMIP publish report of inspection of escort and removals of detainees to Pakistan

Nick Hardwick, Chief Inspector of Prisons, said that detainees 'were not treated with enough decency' in the removal process despite some impressive care and concern from individual staff. He said that *'too many of our findings replicated those at previous inspections, particularly those in relation to the dignity of detainees'*. Of major concern is his note that *'staff had little awareness of important inquiry findings that should have been cascaded down to them following the death of a detainee during a scheduled flight removal in 2010'*. The report notes:

- Some staff persisted in using control techniques that were more likely to escalate tensions than calm behaviour.
- It was hard to understand why escorts had still not been provided with training on the use of force in confined environments such as aircraft some 2.5 years since inspectors first recommended it
- Many of the contracted staff were exhausted and could not avoid falling asleep, even when in charge of detainees identified at risk of self-harm;
- A small number of staff were unprofessional and behaved inappropriately.
- Some staff engaged in juvenile behaviour and swore in the hearing of detainees, seemingly oblivious to the effect this might have.
- No interpreting services were provided, despite obvious need. This created avoidable anxiety for everyone concerned.

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

## Inquest into the death of Brian Dalrymple at Colnbrook IRC opens

The Inquest into the death of Brian Dalrymple, an American national who died in Colnbrook in 2011, opened on the 16<sup>th</sup> June. It is listed for two weeks. Brian was 35 when he died of a ruptured aorta while in detention. He suffered from anxiety disorder and schizophrenia.

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There are 7 properly interested parties in this inquest, including GEO Group UK Ltd, Nestor Primicare Services Ltd, Serco Group PLC, Dr Hamid, The Practice PLC, the Home Office and Hillingdon Hospital NHS Foundation Trust. A press release by INQUEST includes a statement from Deborah Coles, co-director of INQUEST, who said:

*"This is a shocking death of an extremely vulnerable mentally and physically ill man. Serious questions need to be asked about the quality of care he received while being detained by an immigration system that seems totally unfit to safeguard the needs of vulnerable people, and is known to exacerbate mental and physical ill health."*

You can access the INQUEST press release [here](#) and read a Corporate Watch blog on the first day of the inquest at their website [here](#).

## Heathrow IMB annual report: 'child asylum seekers held in stuffy/overcrowded conditions'

Heathrow Independent Monitoring Board has published their annual report on conditions in the short term holding rooms at Heathrow Airport. In it, the Board condemns the Home Office over the treatment of child asylum seekers being held in conditions described as 'disgraceful', for example being forced to sleep overnight in cramped rooms. This is despite the Coalition agreement to end the detention of children for immigration purposes. The holding rooms have no natural light, no access to the open air and very limited facilities for children. You can access the report [here](#) and coverage in the Independent newspaper [here](#).

## Yarl's Wood IMB publish annual report: 'not fulfilling its basic function'

The Yarl's Wood IMB in their annual report 2013 state that the detention centre is not 'fulfilling its basic function' as it is detaining women for lengthy periods. The longest stay was 3.5 years before being given temporary release. The IMB questioned the proportion of detainees placed in the facility - run by private provider Serco - and not removed from the country, which stood at 62

per cent in 2013. The report states: *'The financial costs of this failure, as well as the costs in terms of human suffering, for people detained for lengthy indefinite periods, are immense.'* You can access the full report [here](#).

### **Does detention increase removals and decrease asylum claims? Freemovement Blog**

Colin Yeo, in a piece for his [Freemovement](#) blog, provides useful infographics based on the Immigration Statistics (see below) to challenge the 'received wisdom' that increasing detention is fulfilling its purpose: to increase removals and decrease asylum claims. His analysis shows that as detention is increasing, enforced removals are in fact decreasing to the lowest level since 2004. Asylum claims also increased at this time. This begs the question "why are we increasing the use of detention?" You can access the blog and infographics [here](#).

### **New Prison Visits booking system**

HM Prison Service has launched its new, online Prison Visits Booking service. The new system will run alongside the current process but will offer "a quicker, easier and more convenient route for both visitors and booking staff". The new service is available to female, youth and adult male prisons, category B and below, within the public sector Prison Service throughout England and Wales. It is not available to private sector prisons or those within the High Security Estate at present. [Access the new booking system here](#).

## **STATISTICS**

### **Home Office produces Detention Statistics for the first quarter of 2014**

The Home Office has produced its quarterly statistics for the first quarter of 2014 (January to March). The number of people entering detention in the year ending March 2014 increased to 30,113 (up 5% on the previous year).

Also noted is a 'continuing decline' in the proportion of detainees being removed, to 56% in the year ending March 2014 compared to 60% in the previous six months. The number of detainees granted temporary admission or release rose from 33% to 37%.

As at the end of March 2014, 2,991 people were in detention, 5% higher than the number recorded at the end of March 2013 (2,853). In the first quarter of 2014, 19 children entered detention. Of the 19 that left, 6 were removed and 13 were granted TA or release.

Key figures include:

- Between January and March 2014, 6858 people left detention. Of these, 3981 (58%) were removed from the UK. The remaining 2877 (42%) were released into the community through bail, temporary admission or release, leave to remain/enter or other reason.
- Of those leaving detention in the period, 3991 (58%) had been in detention for less than 29 days.
- 1284 (19%) had been detained for between 29 days and two months.
- 1051 (15%) had been detained for 2 months to 4 months
- 493 (7%) held for between four months to one year.
- 32 had been held for over a year
- 4 had been held for over 2 years
- 2 had been held for over 3 years
- 1 had been held for over 4 years

You can access the data tables and fuller analysis at the gov.uk site [here](#).

### **Ten longest recorded lengths of detention at 31<sup>st</sup> March 2014**

*With thanks to No-deportations*

As at 31<sup>st</sup> March 2014, the longest lengths of detention were (all male):

1518 days	4.1 years
1168 days	3.2 years
1154 days	3.1 years
1098 days	3.0 years
1041 days	2.8 years

951 days	2.6 years
935 days	2.5 years
908 days	2.4 years
906 days	2.4 years
902 days	2.4 years
<i>At the same date, one female had been held for 739 days (just over 2 years)</i>	

Pennine	4	3	1	0
Cedars	1	1	0	0
<b>Sub Total</b>	<b>577</b>	<b>198</b>	<b>191</b>	<b>188</b>

## News, Publications, Reports

### Media coverage of Yarl's Wood

This month there has been further media coverage of Yarl's Wood, the detention centre holding women near Bedford. In the first article for the Guardian, a former Serco official describes the deportation of vulnerable women without proper mental health assessments. In the article, the former employee alleges that an anti-immigration culture was "endemic" among staff. Last month, it was revealed that Serco is to be investigated by MPs when it was forced to disclose a secret internal report revealing evidence that it failed to properly investigate a claim of sexual assault. In this article, the official also claimed that another case of sexual assault occurred in August 2012 involving a particularly vulnerable detainee with profound psychological issues. You can access the Guardian article [here](#).

This was followed by a [BBC news article](#) and [File on Four radio programme](#) in which a former psychiatric nurse at Yarl's Wood speaks out about his concerns about the treatment of women with mental health needs at the centre. The radio programme is not an easy listen, including hard hitting testimony from women who were propositioned while in the centre as well as reports from former employee about serious concerns regarding healthcare in the centre. Richard Fuller MP calls for Yarl's Wood to be closed.

You can follow the campaign to end the detention of female asylum seekers by visiting the Women for Refugee Women website [here](#), or on twitter #setherfree.

### Monitoring Immigration Detention: a Manual

A new manual on the Monitoring of Immigration Detention has been produced by UNHCR, APT (Association for the Prevention of Torture) and

### Self-Harm in Detention: first quarter 2014

*With thanks to No-Deportations*

An FOI submitted by the No-deportations blog reveals that there were 61 self-harm attempts requiring medical attention, 3 more than in the previous quarter. 577 detainees were put on ACDT (Assessment Care in Detention and Teamwork) – up 32% on the previous quarter.

#### SELF HARM

	Total	Jan	Feb	March
Brook	20	5	9	6
Campsfield	0	0	0	0
Colnbrook	2	1	1	0
Dover	2	1	1	0
Dungavel	0	0	0	0
Harmondsworth	10	1	3	6
Haslar	1	0	0	1
Morton Hall	7	1	3	3
Tinsley	7	0	6	1
Yarl's Wood	10	2	5	3
Larne	2	0	0	2
Pennine	0	0	0	0
Cedars	0	0	0	0
<b>Sub Total</b>	<b>61</b>	<b>11</b>	<b>28</b>	<b>22</b>

#### ACDT

	Total	Jan	Feb	March
Brook	102	33	38	31
Campsfield	21	10	4	7
Colnbrook	71	22	28	21
Dover	33	9	11	13
Dungavel	30	12	9	9
Harmondsworth	98	38	30	30
Haslar	15	3	7	5
Morton Hall	51	17	14	20
Tinsley	36	9	12	15
Yarl's Wood	112	40	37	35
Larne	3	1	0	2

the International Detention Coalition. It addresses the need to improve conditions in places where asylum seekers and migrants are held. It is a step by step guide for anyone carrying out immigration detention visits. You can download the manual [here](#).

### **Hundreds of asylum seekers may have been 'wrongly deported' after advice from Sprakab**

The Supreme Court has handed down a judgment on Sprakab, the Swedish firm contracted by the Home Office to analyse language and dialect of asylum seekers, over the phone. The company is said to have given 'wholly inappropriate' opinions to asylum tribunals on whether a claimant sounded convincing.

You can access the full article in the Independent newspaper [here](#).

### **FCO to investigate Tamil rape victims being deported**

William Hague, the Foreign Secretary, pledged that the Government will investigate claims that Tamil asylum seekers are being deported from the UK to Sri Lanka despite evidence that they have been subjected to rape and sexual abuse by the Sri Lankan security forces. This pledge took place at the Global Summit to end Sexual Violence in Conflict, following allegations of 'hypocrisy' on the issue – by focusing on international problems and ignoring the many victims of rape who seek sanctuary in the UK. In response, Hague said:

*"We are a country that is open to asylum seekers. We uphold our standards very strictly and, whenever anyone thinks we are not doing that, we are always happy to investigate,"*

*"I particularly discussed with [Theresa May] already the importance, which she fully agrees with, of our immigration officers being trained in how they deal with people who have suffered sexual violence abroad".*

You can read more in the Guardian coverage, [here](#).

### **Report on Poverty amongst refugees and asylum seekers in the UK**

The University of Birmingham has published a new report "Poverty amongst refugees and asylum seekers in the UK" (IRIS Working Paper No.1/2014). The report finds that, for many, the asylum system is a source of vulnerability to poverty and destitution, particularly at points of transition. The reports concludes that reducing the incidence of poverty would improve the quality and fairness of the asylum process and lead to improved refugee health, wellbeing and integration. You can access the report in full [here](#).

## **Law and Policy**

### **New Immigration Act**

The Immigration Act became law this month, making substantive changes to the immigration system in the UK. ILPA will be producing a range of information sheets on the separate provisions, and there is a useful summary of the Act by the Joint Council for the Welfare of Immigrants, Saira Grant, available [here](#). With thanks to ILPA, the key changes contained in the act are:

- Abolishing almost all right of appeal to the First Tier Tribunal (Immigration and Asylum Chamber) and replacing them with a right to appeal only against decisions refusing asylum or human rights protections
- Limiting the scope for any appeal to the Tribunal to asylum or human rights grounds only
- New powers for SSHD to deny an in country right of appeal to a person being deported, as long as this would not cause 'serious irreversible harm'
- Tightening access to bail, including making it harder for persons detained under immigration powers to make repeat bail applications
- Requiring private landlords to check the immigration status of their tenants and denying some categories of people subject to immigration control the right to rent private properties

- Paving the way for annual NHS charges for certain categories of migrants
- Specifying Parliament's view of what the 'public interest' requires in cases that involve a consideration of family life rights under the European Convention of Human Rights

For further information see ILPA [Immigration Update 60](#)

### **Unlawfully detained for almost a year, yet only £5 Damages**

[Cente Sheikh Noor Mohammed, R \(on the application of\) v SSHD](#)

*"Accordingly, whilst his imprisonment between 23 October 2007 and 9 September 2008 was unlawful, he is entitled to only nominal damages since he sustained no compensable loss. I would set those damages at £5. The Claimant's challenge to the remainder of the first period of detention and to the second period of detention is dismissed".*

## **Parliamentary Monitoring**

### **Cost of converting the Verne into a detention centre**

[HC Deb, 17 June 2014, c595W](#)

**Sadiq Khan** (Shadow Lord Chancellor and Shadow Secretary of State for justice, Tooting, Lab) asked how much had been spent converting HMP The Verne to an IRC. **Karen Bradley** (The Parliamentary Under-Secretary of State for the Home Department; Staffordshire Moorlands, Conservative) said that £5.4 million had been spent to date.

### **Training for managing 'non-compliance' in forced removals – delay**

[HL Deb, 17 June 2014, c35W](#)

**Lord Ouseley** (Crossbench) asked what progress had been made in the creation of a bespoke training package by the Independent Advisory Panel on Non-Compliance management for use in deportation removal processes, and when it will be available. **Lord Taylor of Holbeach** (Con) replied that *'The Independent Advisory Panel on Non-Compliance Management (IAPNCM) was*

*established to provide support to the National Offender Management Service (NOMS) in the design of the new training package for use by Detainee Custody Officers who escort individuals being removed from the United Kingdom. They also provide independent advice to Home Office Immigration Enforcement on the quality and safety of the new package, and in particular on the use of force techniques. The panel has completed its work and the new training package and implementation are being finalised'.*

### **The Verne: Suitability for holding immigration detainees**

HC Deb, 16 June 2014, c446W

**Sarah Teather MP** (Brent Central, Lib Dem) asked what assessment had been made of the suitability of the Verne for immigration detainees. **James Brokenshire** (Minister of State (Home Office) (Security and Immigration); Old Bexley and Sidcup, Conservative) replied that *"HMP The Verne has been assessed for detaining individuals for immigration purposes in terms of its size, location, facilities and level of security.*

*Alterations are being carried out to make it suitable for use as an Immigration Removal Centre including provision of facilities for detainees and their visitors. Once formally re-rolled it will be used to assist removal of those who have no right to remain in the UK".*

### **HMP Verne: Access to legal and health services**

[HC Deb, 10 June 2014, c69W](#)

**Sarah Teather MP** asked what assessment he has made of the ability for individuals detained for immigration purposes at HM Prison The Verne to access (a) legal and (b) health services. **Jeremy Wright MP** (The Parliamentary Under-Secretary of State for Justice; Kenilworth and Southam, Conservative) replied that *"HM Prison The Verne started taking immigration detainees from 24 March 2014 as scheduled. The National Offender Management Service (NOMS) will retain The Verne as a prison in the short term.*

*While The Verne retains its designation as a prison it will be governed by Prison Rules rather than Detention Centre Rules. Detainees held at The Verne are treated in the same way as other detainees held within the prison estate. As such they have access to appropriate health care and legal advice. Independent immigration advice is*

*provided on site by Migrant Help. In addition, detainees are able to telephone Detention Action, and BID (Bail for Immigration detainees).*

### **Numbers held in HMP The Verne**

[HC Deb, 16 June 2014, c445W](#)

**Sarah Teather MP** asked how many people are currently detained for immigration purposes at HM Prison The Verne. **James Brokenshire** replied that as at 3 June 2014 there were 790 detainees held in prison establishments solely under immigration powers, of whom 174 were held in HMP The Verne.

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