

## AVID

### Association of Visitors to Immigration Detainees

Registered Charity No. 1156709

# In Touch

135 (June/July 15)

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#### News from AVID

### AGM, Annual Report and launch of *Rethinking Vulnerability*

Thanks to all who attended our AGM and report launch on the 9<sup>th</sup> July. It was great to see so many of you there, despite the tube strike. We launched our Detention Forum report *Rethinking Vulnerability: the crisis of harm in immigration detention* which is based on over 30 case studies, many supplied by AVID member visitors groups. The report calls for an urgent rethink of the current approach to vulnerability, and we recommend a more holistic approach; attempting to understand and identify vulnerability as it changes over time. If you haven't yet seen it, [you can access the report here](#).

Our AGM also gave us the chance to reflect on 2014 and our activities in support of immigration detainees over a year which saw the opening of the Verne, our first Training and Membership Coordinator in post, and the launch of the first ever Parliamentary Inquiry into the use of detention. We hope you've all received a copy of the annual report but if not [it is available here](#).

We were sad to say goodbye to two trustees at this AGM, Kathy English and Juliette Stevenson. Kathy has been the Chair of AVID for over four years and is replaced by Andrew Wilson. Juliette is now based in Sudan working for UNHCR. We thank them for their contribution over so many years and wish them all the best. Our current Board of Trustees is as follows:

- Andrew Wilson, Chair
- Jane Ryan, Secretary
- Madeline Church, Treasurer
- Carolina Albuerne Rodriguez
- Polly Brendon
- Suko Fricke

Are you interested in joining the AVID Board of Trustees? We are looking to recruit. Please contact **Ali McGinley, Director** [ali.mcginley@aviddetention.org.uk](mailto:ali.mcginley@aviddetention.org.uk) or **Andrew Wilson, Chair** [andrew.wilson@ntlworld.com](mailto:andrew.wilson@ntlworld.com) for an informal chat in the first instance

### Coordinators Conference 2015 a success!

Our annual coordinator's conference was held in the Woodbrooke Conference Centre, Birmingham, on the 11<sup>th</sup> and 12<sup>th</sup> June. We welcomed groups from all over the country and were particularly pleased to be joined by our newest member Verne Visitors Group and new staff members at Yarl's Wood Befrienders and Scottish Detainee Visitors. Sessions were varied, ranging from advice and good practice on volunteering (Alzheimer's UK), to advocacy and challenging detention (Detention Forum). Our report of the event will be circulated soon.

### Funding Opportunity for Visitors Groups

Hopefully you will now have all had the chance to read through the funding opportunity note we circulated to all visitors groups. AVID has £10,000 available as seed funding for visitors groups. Seed funding is development funding – we are keen to hear your ideas! The deadline is 19<sup>th</sup> August. To

find out more contact  
Jessica.lousley@aviddetention.org.uk

### British 10k Run! Well done to our team!



A HUGE thanks and well done to our fantastic runners (Jane Silver Corren, Tamara Grundman, Lily Parrott, John Henry Duncan and Jemima Headey) for their participation in the Great British 10k through central London on 12<sup>th</sup> July. It was a fabulous event with thousands of supporters for various charities as the runners raced past some of London's best loved landmarks including Big Ben. Our team has so far raised over £2,200 for AVID, which is a great result.

*We have six places for next year's run! If you would like to book yourself in let us know!*

### Parliamentary Debate on Immigration Detention scheduled for 10<sup>th</sup> September

On 21<sup>st</sup> July an application was made by some of the Parliamentary Inquiry Panel members to the Backbench Business Committee to host a debate on the report's recommendations. Their ask was a success, and as a result **there will be a debate on 10<sup>th</sup> September**. You can find more [information here](#). The wording of the motion for the debate is as follows:

*"That this House supports the recommendations of the report of the Joint Inquiry by the All Party Parliamentary Group on Refugees and the All Party Parliamentary Group on Migration, The Use of Immigration Detention in the United Kingdom; has considered the case for reform of immigration detention; and calls on the Government to respond positively to those recommendations"*

We would really encourage you to lobby MPs – particularly new MPs- and brief them about the recommendations of the Parliamentary Inquiry report, in particular the need for community based alternatives to detention, a time limit, and a working group to oversee the recommendations. We want to ensure MPs are aware that the report recommends systemic change and that 'tweaking' to conditions will not go far enough.

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

### Detention Update

#### HMIP report on Tinsley House IRC

HMIP has published their latest inspection report into conditions and treatment at Tinsley House. Tinsley House holds male detainees, but there is also a family unit which is also sometimes used to hold vulnerable people. The inspection took place in December 2014 with the report published on 28 May. Inspectors were concerned that:

- Detainees at risk of self harm were well cared for, but those who needed constant supervision were held in the care and separation unit which was bleak.
- Some detainees' cases had been progressed too slowly, resulting in prolonged, unnecessary and therefore possibly unlawful detention;
- Rule 35 reports, which deal with allegations of torture and special conditions, had resulted in more releases than usual, but they were of variable quality and were not given sufficient weight by the Home Office;
- A minority of staff were less respectful and distant with detainees and some staff did not always knock before entering rooms;
- Escort arrangements for families were unacceptable; and
- Inspectors were not assured that the management and risk assessments

required by the different groups held in the family unit were given enough attention.

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

### **HMIP report on Dungavel IRC**

The Prisons Inspectorate has also published their report on Dungavel IRC in Scotland. They inspected the facility in February 2015, and published the report in July. While the report noted many good outcomes about the centre, which holds up to 249 detainees including 14 women, they did note some very serious concerns such as very long periods of detention and some decisions to maintain detention of very vulnerable people. Inspectors were also concerned that:

- Some extended periods of detention were the result of casework delays, a situation compounded by the variable quality of Rule 35 reports
- Escort contractors continued to transport people during the night
- The small number of women were being held in a separate unit staffed by men which – although it did meet their individual needs – there was no specific policy that could have provided ongoing assurance of appropriate strategic oversight and accountability.

You can read the [report in full here](#) and media [coverage here](#).

### **IMB report on Morton Hall**

Morton Hall Independent Monitoring Board has published their annual report for the year end December 2014. The IMB notes that Morton Hall is an 'impressive establishment' but notes:

*"one serious incident in September 2014 when the unfortunate death of a detainee occasioned mass indiscipline amongst the detainees, resulting in the evacuation of all staff from the inner compound. Some minor damage was caused, the breaking of windows, and water damage to buildings caused by the use of fire hoses. Eventually the NOMS Tornado Teams sent to the Centre established good order and the*

*main perpetrators were removed from the establishment".*

The report also questions the high numbers of people held in Morton Hall with mental health concerns.

The Board also included some comments and suggestions which lie outside their remit, for example they suggest that vacant land on the Morton Hall site could be used for additional places for detainees. [You can read the report in full here](#).

### **IMB report on Yarl's Wood IRC**

The Independent Monitoring Board for Yarl's Wood also published their annual report, which notes that vulnerable women are being held for far too long in conditions that are causing them considerable distress, and are not suitable for those with mental health problems. The report also notes that about two-thirds of those held are released in to the community again. The Board expressed worries about deteriorating physical and mental health services, saying that many detainees found medical staff 'dismissive'. The report formally recommends that no one be held at Yarl's Wood for longer than six months. It also calls for more use of community based monitoring. [You can read the report in full here](#).

There is media coverage of the report in the [Guardian newspaper here](#).

### **AVID: FOI on immigration detainees in prison**

AVID has been submitting regular *freedom of information requests* on the numbers of immigration detainees held in prisons, and their locations. We have figures for December 2014 (384 total) and March 2015 (422 total) so far, overwhelmingly the majority are held in London prisons. You can [access the figures here](#).

### **FOI on Rule 35 in first quarter 2015**

*With thanks to No Deportations*

An FOI on the number of Rule 35 reports made by a Medical Practitioner to the Home Office in the first quarter of 2015 has been published. In total, between January and March 2015, 25 reports

were made, relating to 24 individuals. As a consequence of these reports 12 people were released from detention (50%).

### Self-Harm Figures released for Q1 2015: 19% increase

*With thanks to No Deportations*

According to Home Office data collated by No Deportations under a Freedom of Information request, self harm attempts requiring medical treatment in the first quarter of 2015 were up by 19%. There were 70 in Harmondsworth IRC, a 311% increase over the previous quarter when there were 17. Yarl's Wood recorded 26 attempts. There was a decrease in the number of individuals on the formal self harm at risk register (ACDT).

#### Number of incidents of Self-Harm requiring medical treatment Q1/2015

	Total	Jan	Feb	March
Brook House	6	3	3	0
Campsfield	7	0	3	4
Colnbrook	14	2	6	6
Dover	12	4	3	5
Dungavel	3	1	2	0
H/worth	70	20	28	22
Haslar	1	0	1	0
Morton Hall	8	6	1	1
The Verne	13	4	4	5
Tinsley House	0	0	0	0
Yarl's Wood	26	4	3	19
Larne	0	0	0	0
Pennine House	0	0	0	0
Cedars	0	0	0	0
<b>TOTAL</b>	<b>160</b>	<b>44</b>	<b>54</b>	<b>62</b>

#### Individuals on Formal Self-Harm at Risk (ACDT) Q1/2015

	Total	Jan	Feb	March
Brook House	96	37	27	32
Campsfield	40	10	13	17
Colnbrook	69	23	22	24
Dover	29	13	6	10
Dungavel	41	11	12	18
H/worth	102	31	45	26
Haslar	28	6	8	14
Morton Hall	57	18	14	25
The Verne	62	23	22	17
Tinsley House	37	10	6	21
Yarl's Wood	98	26	28	44

Larne	2	0	0	2
Pennine House	4	0	0	4
Cedars	2	2	0	0
<b>TOTAL</b>	<b>667</b>	<b>210</b>	<b>203</b>	<b>254</b>

### Longest periods of detention (Q1 2015)

In the first quarter of 2015 (Jan to March) the longest lengths of detention were:

- 1789 days (4.9 years)
- 1300 days (3.5 years)
- 1273 days (3.4 years)
- 1267 days (3.4 years)
- 1121 days (3.07 years)

### News, Publications, Reports

#### ICO tells Home Office it must release critical reports into privately run IRCs

The Information Commissioner's Office has said that the Home Office must release 'potentially damaging' reports on Harmondsworth and Colnbrook within weeks. This follows a ten month battle to prevent them being released, after they were initially requested via an FOI by Corporate Watch. The reports will give information never seen before on the running of these two centres. The Home Office argued that the documents were confidential and commercially sensitive. Read coverage in the [Guardian here](#).

#### Torture Survivors may sue government

A landmark ruling in the High Court may open the doors for hundreds of torture survivors to sue the government for unlawful detention. Four asylum seekers who fled their home countries to escape rape and torture brought a test case against the home secretary for putting them into the Detained Fast Track. This breached the government's own guidance that torture survivors should only be detained in exceptional circumstances. All four are now entitled to damages for unlawful detention. You can read the coverage in the [Guardian here](#).

### End of the line for Detained Fast Track!

Huge news – on 29<sup>th</sup> July the Court of Appeal dismissed the Lord Chancellor's Appeal against the ruling of the High Court that the DFT appeals process is unlawfully unfair.

The government suspended, albeit temporarily, the DFT, on the 2<sup>nd</sup> of July. James Brokenshire had intimated that this suspension would only be for a matter of weeks, but this latest dismissal suggests he may have to think again. Following litigation brought by Detention Action and cases involving trafficking victims and the Helen Bamber Foundation 'test cases', the DFT was suspended meaning that asylum seekers can no longer be held in detention on the basis that their cases can be decided quickly.

With huge congratulations to Detention Action, Helen Bamber Foundation, and their legal teams.

### Home Secretary breaches Article 4: unlawfully detaining trafficking victims

Mr Justice Blake in the High Court has declared that the detention of three victims of trafficking in the Detained Fast Track (DFT) breached Article 4 of the ECHR (the right to be free from enforced labour and servitude) and that in operating the DFT, Theresa May did not fully comply with her duties under the Equality Act 2010. This was test litigation linked to the Helen Bamber Foundation cases, culminating in the suspension of the DFT (see above).

The three cases all presented with a history of sexual exploitation and abuse. The Home Secretary failed to identify this and failed to investigate the allegations of trafficking, including referring the allegations to the police and the National Referral Mechanism. The High Court also found that the Home Secretary failed to comply with her duties under section 149 of the Equality Act in the operation of the DFT.

Jane Ryan (solicitor at Bhatt Murphy and Trustee of AVID, who acted for one of the claimants, said *"My client hopes that the review the Home*

*Secretary is now undertaking will mean that other victims of the crime of human trafficking will be supported rather than detained."* Read the full press release [here](#) and coverage on the Guardian's website [here](#).

### Consultation Launched: Government plans to 'reform support for failed asylum seekers'

The Home Office has published a consultation for views on its proposals to 'reform' the support given to failed asylum seekers and other irregular migrants. The proposal, which outlines that the government will end the provision of financial support for those it describes as 'illegal migrants, including failed asylum seekers', also states that the government will legislate to curtail the support given to those it deems have no right to remain in the UK 'in line with our international and human rights obligations'.

We are deeply concerned as the proposals seek to remove bail accommodation from immigration detainees under Section 4 (1). They would only be entitled if they have claimed asylum, and of there is a barrier to removal, or they have made some kind of further application. We are working our way through the consultation document and will provide information to our members next week. In the meantime you can read the [consultation papers here](#), responses are due on the 9<sup>th</sup> September.

### Immigration Bill likely after parliamentary recess

*With thanks to Migrants Rights Network*

The Government's new Immigration Bill will now likely be laid before parliament immediately after the summer recess according to briefings from national newspapers. The new draft legislation will move further from its initial proposals of reducing non-EEA economic migrants and will begin focusing on tackling refugees as a result of the current 'migrant crisis' in Calais.

New measures in the Bill could include:

- Landlords being required to evict migrants if asylum applications fail;
- Asylum seekers with failed applications losing their benefits;

- English language requirements level equivalent to grade C GCSE; and
- New powers to 'tackle illegal working'.

The Government will likely drip feed more proposals to the media as the crisis continues. This new Bill could also end up becoming more wide-ranging than the previous Immigration Bill which became an act of parliament only 12 months ago.

### Parliamentary Monitoring

We are delighted to let you know that we've moved our [parliamentary monitoring work to our new website](#)! From July 2015 you will find the full list of PQs and debates on immigration detention on the site, which means you can access them throughout the month as and when. Follow us on twitter (@AVIDdetention) and you'll get instant notification of when they are up.

We will continue to include a list in this newsletter. See below for all relevant PQs in July.

#### Parliamentary Questions June and July ([for full breakdown, visit here](#))

- 28<sup>th</sup> July: releases from the DFT
- 24<sup>th</sup> July: infectious diseases in detention and prisons
- 21<sup>st</sup> July: Notice period given for deportation
- 20<sup>th</sup> July: Time limit and vulnerable groups
- 16<sup>th</sup> July: Detained Fast Track
- 15<sup>th</sup> July: Time limit
- 15<sup>th</sup> July: Cost of detention
- 14<sup>th</sup> July: TB Screening
- 10<sup>th</sup> July: Detained Fast Track
- 9<sup>th</sup> July: Age Assessments
- 9<sup>th</sup> July: Communicable diseases in detention
- 2<sup>nd</sup> July: written statements on DFT (Lords and Commons)

### Events

#### "Slow Fast Track": Detention of Asylum Seekers open meeting 12<sup>th</sup> August

There have been important developments following the suspension of the detained fast track on 2 July 2015. We are concerned that detainees and those supporting asylum seekers are aware of the consequences of the recent litigation and changes in the new system.

We therefore would encourage people to attend the open meeting below:

#### The Slow Fast Track Meeting: 6.15pm 12<sup>th</sup> August, Garden Court Chambers

- discussion about current practice and challenges
- the interim policy
- consequences of Detention Action/HBF/T&E cases

**Speakers:** Sonal Ghelani, Shu Shin Luh, Raza Halim and Catherine Meredith

**Chair:** Jane Ryan

**ALL WELCOME.**

**RSVP:** [rsvp@gclaw.co.uk](mailto:rsvp@gclaw.co.uk)

### AVID, August 2015