

AVID

Association of Visitors to Immigration Detainees

Patrons: Colin Firth, Lord David Ramsbotham, GCB, CBE and John Scampion, CBE
Registered Charity No. 1063784

In Touch

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AVID:

Archway Resource Centre
1b Waterlow Road
London
N19 5NJ
enquiries@aviddetention.org.uk
0207 281 0533
Twitter: @AVIDdetention

News from AVID

AVID AGM: 14th May 'Deaths In Detention: Are Lessons being Learned?'

We are delighted to invite you to attend **AVID's AGM, on 14th May 2014** in Garden Court Chambers at 6.15pm. Our topic this year is "*Deaths in Detention: Are Lessons Being Learned?*" and we have two very special guest speakers:

- Nigel Newcomen, Prison and Probation Ombudsman
- Deborah Coles, Co-Director, INQUEST

We hope you can join us for a topical discussion on this critical and sensitive issue. Full details are in the invitation which you can access [here](#). Please circulate widely, and RSVP if you can make it to enquiries@aviddetention.org.uk.

We hope to see you all there!

Do you have any items for next month's newsletter? If so contact Teresa Lamas avidnews321@gmail.com by **May 15th**

Detention Update

Council of Europe expresses concern over immigration detainees

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has published its report following a visit to the UK last year. Importantly, the report suggests that the UK policy of indefinite detention should be reviewed.

In Scotland, the CPT focused on the situation of female detainees and adult males on remand. In England, the Committee examined issues related to immigration detention and visited Colnbrook and Brook House IRCs. The main recommendations included:

- Health care, as concerns were raised about the handcuffing of detainees during medical consultations in hospitals.
- Rule 35, particularly the review of cases of torture victims in detention.
- Indefinite detention: the CPT urges the UK government to reconsider its policy of indefinite immigration detention, highlighting its 'negative impact' and that it 'exacerbates mental health issues'.

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

Tragic death at Yarl's Wood

AVID was deeply saddened to learn of the tragic death of 40-year-old Christine Case on March 30 in Yarl's Wood. Our thoughts are with all those held at Yarl's Wood, for whom we express our

solidarity, and especially with Christine's friends and family.

According to The Guardian, postmortem investigations found that Christine died from a massive pulmonary thrombo-embolism. An inquest by Ampthill coroner's court in Bedfordshire took place in the beginning of April while the full hearing will occur in September. Read the [Guardian](#) and [Independent](#) coverage. An interview with an anonymous detainee who knew Christine Case was covered by Open Democracy [here](#). In the aftermath, Labour has called for an enquiry into the Serco run centre (read more [here](#)). A parliamentary discussion initiated by Yvette Cooper MP also followed the death, see below under *Parliamentary Monitoring*.

In recent years, 14 people have died in detention centres across the UK, and concerns continue about medical care and emergency response for detainees. The recent report by the Prison and Probation Ombudsman stressed the necessity of implementing a good medical emergency response process in detention.

If you would like to know more about this issue, we encourage you to come to our AGM in which we will discuss whether or not lessons are being learnt after these tragic deaths in immigration detention.

UN Rapporteur on VAW denied access to Yarl's Wood

Rashida Manjoo, UN Special Rapporteur on violence against women, was not allowed to visit Yarl's Wood during her two-week inquiry visit to the UK. Despite the fact that Yarl's Wood is the biggest facility holding women detainees, and that it has been involved in serious allegations of abuse, the Home Office instead arranged a visit to Colnbrook, which mainly holds men. The Home Office has said the visit was not part of the agreed agenda for the Special Rapporteur and that is why it was not allowed.

We are shocked at Home Office's lack of transparency particularly in light of recent events at Yarls Wood. Read Guardian coverage [here](#).

Detainees held for too long says HMIP

The HM Chief Inspector of Prisons has released two reports of unannounced inspections of the Short-Term Holding Facilities (STHFs) at Stansted and Luton airports. Among the main concerns are:

- **Length of detention:** Although people should not be held there for longer than 24 hours, inspectors found a detainee who had been there for 40 hours.
- **Dignity of detainees:** Staff were found to be failing to protect the dignity of detainees when people are handcuffed and escorted to the facilities in full view of the public in the airport.
- **Interpretation:** Security staff did not always use interpreters with non-English speakers, which may affect their ability to care for the detainees.

Out of the 29 recommendations made in the last inspection to Stansted STHF, 9 had been achieved, 2 partially achieved and 18 not achieved. For Luton, of 32 recommendations, 19 had been achieved, one partially achieved, 11 not achieved and one was no longer relevant.

In light of these figures, Tascor, the private firm running these facilities, declared that it will consider them "*in consultation with its client, the Home Office, and will formally respond to HMIP shortly*". To access the Stansted report click [here](#) and the report for Luton [here](#).

Our Director, Ali McGinley, was interviewed by BBC Essex following the report and raised AVID's concerns about the protection gap in STHFs where men and women are held together. She also highlighted the absence of STHF statutory rules which is an ongoing concern.

Latest report from John Vine critical of long term detention

The Independent Chief Inspector of Borders and Immigration, John Vine, has published a report on the Emergency Travel Document Process, looking at cases where a timely deportation cannot be carried out due to lack of a valid passport. He expressed his “serious concern” about the long-term nature of some detention cases involving ex-foreign national offenders, highlighting at least 27 of them who spent over a year beyond their sentences in detention. Among other key recommendations, Vine urged the Home Office to “review the cases of all long-term detainees where the absence of an ETD (emergency travel document) is the primary barrier to removal, in order to establish whether there is a realistic prospect of removal within a reasonable period.” He also pointed out that the latter is a legal requirement to detain an individual, thus indefinite detention without timely prospect for removal is potentially unlawful. To read the full report click [here](#). For Guardian coverage click [here](#).

Judicial review finds asylum support rates unlawful

AVID welcomes the recent High Court decision which ruled that the Home Secretary was ‘irrational’ in her decision making and misunderstood information when setting the rate of financial support paid to people seeking asylum in the UK. This is the outcome of legal action taken by Refugee Action, who argued that the amount stipulated was too low to meet essential living standards. Now the High Court proves them right confirming that financial support rates were “flawed”. Refugee Action have said that the ruling could change the lives of more than 23,000 people seeking asylum in the UK.

[Read the full judgement here](#) and [a summary briefing here](#).

Inspection of escorts and removals to Nigeria and Ghana

Nick Hardwick, the Chief Inspector of Prisons, recently published a report on a follow-up inspection on escort and enforced removals of detainees to Ghana and Nigeria. Although some improvements were found, some recommendations had to be repeated.

The main findings of the report included:

- There are widespread unjustified practices such as “keeping handcuffs on for much longer than necessary; holding detainees by the arm in secure areas; searching in locations without any privacy; denying privacy to detainees using the toilet”.
- There were deficiencies in the recording and communication of information about risk, which is essential when detainees are being passed from the care of one contractor to another during a very stressful series of events.

For the full report click [here](#).

NCADC is now Right to Remain!

The National Coalition of Anti-Deportation Campaigns has changed their name to Right to Remain, to better represent all that they do. To celebrate it, they are launching a new website you can visit [here](#), as well as a new Facebook [site](#). Congratulations!

Law and Policy

ILPA immigration updates

The Immigration Law Practitioners Association (ILPA) has published an immigration update covering:

- Legal Aid cutbacks
- Upcoming Legislation:

- Immigration Bill
- Criminal Justice and Courts Bill
- Draft Modern Slavery Bill
- Syrian crisis
- Clarification of the EU law rules on free movement for families
- New European Court of Human Rights case on family life

You can access the update [here](#).

They have also produced six new information sheets:

- [Deprivation of Citizenship](#)
- [Gateway Protection Programme](#)
- [Extension of Syrian Concession](#)
- [Vulnerable Persons Relocation Programme](#)
- [EU Free Movement: Surinder Singh cases](#)
- [Criminal Justice and Courts Bill 2014](#)

The Guardian is free to publish Serco investigation report into sexual abuse allegations at Yarl’s Wood

NAB v Serco Ltd & Anor [2014] EWHC 1225 (QB), 16 April 2014

With thanks to ILPA

NAB, who was detained in Yarl’s Wood from 4/10/10 to 17/02/11, brought a civil action against Serco Ltd. She complained of sexual assault by a male nurse and alleged that Serco was vicariously liable for his actions. Damages were paid by Serco to NAB, but they tried to prevent her publishing Serco’s internal report of the investigation which followed her allegations. The court found that the public interest is in how Serco handled the investigation, not in the identity of the complainant or of the man subject to the complaint. The only other risk of harm is to the reputation of Serco and the fact of the allegations having been made is already in the public domain. It was therefore held that The *Guardian* has a proper journalistic purpose in seeking to inspect a document which they believe may throw light on whether or not the allegation was properly investigated. The *Guardian*, provided it does not disclose the identity of NAB or her alleged attacker, is free to publish the contents of the report

Man dies trying to escape removal from UK

Border Force has confirmed that the body of an Albanian man found on a beach in Felixstowe was that of a man who jumped from a North Sea ferry while being removed from the UK. He had arrived in the UK with other group of men hiding in a lorry, but was refused entry. An inquest has been opened while the second man who jumped to the sea remains missing.

Parliamentary Monitoring

Room allocations in Detention Centres

[HC Deb, 24 March 2014, c17W](#)

Keith Vaz MP (Leicester East, Lab) asked how many people are allocated to each room in IRCs. **James Brokenshire** (Con) replied that rooms in IRCs are generally occupied by two or three people; however, there are also single occupancy rooms and bigger rooms, which can accommodate up to eight occupants. A 12-bed first-night unit in Dungavel, Scotland, constitutes the largest room. He added that sleeping accommodations must be in accordance with Detention Services Order 4/2003, which ensures that the lighting heating and ventilation are adequate for health.

Deportation of unaccompanied asylum seeking children

[HC Deb, 24 March 2014, c16W](#)

Sarah Teather MP (Brent Central, Lib dem) asked “*how many people who were previously classified as unaccompanied asylum seeking children have been forcibly returned to another country as adults in each of the last five years*”. **James Brokenshire** (Con) provided the following table with the requested information for the period of January 2009 to December 2010:

Number	
2009	38
2010	91
2011	183
2012	87

2013	110
Total	509

2010: 42

2011: 30

2012: 39

2013: 19

Parliamentary discussion of Yarl's Wood

[HC Deb, 31 March 2014, c602](#)

Following the tragic death of Christine Case, a debate took place in the Commons led by Yvette Cooper, who asked the Minister to make a statement which you can read [here](#). Amongst other comments, Keith Vaz MP (Leicester East, Lab) spoke of the need to remind private companies of their duty of care. Sarah Teather MP (Brent Central, Lib Dem) raised the issues around healthcare and Julian Huppert MP (Cambridge, Lib Dem) reminded MPs that the UK is unique in detaining indefinitely. Kate Green MP (Stretford and Urmston, Lab) asserted that when previous allegations of sexual abuse in Yarl's Wood came to light, some victims and witnesses were deported early so to avoid their cases being followed up properly. She asked if the minister will assure that *"all relevant evidence, including witness evidence, will be gathered in the inquiries that he has instituted? When deportations are envisaged of people who might have evidence to offer, will the process be looked at very carefully so that the information is obtained properly?"* **James Brokenshire** (Con) replied that it is proper to pursue a police inquest and follow *"evidence where it takes them"*. He added that he will support the police in their investigations making sure they reach appropriate conclusions.

Complaints of misconduct during deportations

[HC Deb, 31 March 2014, c412W](#)

David Hanson MP (Delyn, Lab) asked for the number of complaints of misconduct related to restraint and use of control during enforced removals that have been referred to the Professional Standards Unit since 2010. **James Brokenshire** (Con) replied that although the number of complaints referred to the PSU is not recorded, the following details the number of complaints that were investigated:

Transfer of hunger striking detainees to prisons

[HC Deb, 31 March 2014, c414W](#)

Sarah Teather MP (Brent Central, Lib Dem) asked *"how many people held in immigration removal centres and who refused food or fluids have been transferred to prisons since May 2013"*. **James Brokenshire** (Con) replied that no persons held in IRCs were transferred for that reason during that period.

Lords Debate: Immigration Bill

[Immigration Bill debate, 1st April, HoL](#)

The full text of the debate in the House of Lords on the Immigration Bill, in which a statutory time limit on detention was discussed, is available at the link above. Baroness Williams proposed an amendment which would have imposed a time limit of 60 days. While it was voted out, the debate sparked interesting discussion between peers on the use of detention.

Plans for HMP The Verne

[HC Deb, 3 April 2014, c757W](#)

Sarah Teather MP (Lib Dem) asked her Secretary of State for Justice what his plans are for HMP The Verne. **Jeremy Wright** (Kenilworth and Southam, Con) *"HM Prison The Verne started taking immigration detainees as scheduled from 24 March 2014. The National Offender Management Service (NOMS) will retain The Verne as a prison in the short-term but its population will comprise immigration detainees as planned with the Home Office."*

NOMS intends to review the designation of The Verne later this year, with the intention of completing the re-designation to an immigration removal centre by the end of September 2014. All foreign national offenders (FNOs) sentenced to

custody are referred to the Home Office for them to consider deportation at the earliest possible opportunity. The Ministry of Justice and the Home Office are committed to working together to expedite the removal of foreign criminals. NOMS will always supply sufficient prison places for those committed by the courts.”

Length of detention

[HC Deb, 7 April 2014, c116W](#)

David Hanson MP (Delyn, Lab) asked “how many people held in immigration removal centres on 13 March 2014 had been held for (a) between 28 and 60 days, (b) between 60 and 365 days, (c) more than 12 months and (d) more than 18 months”. **James Brokenshire** (Con) replied that figures on people held in immigration detention are collated quarterly and published in the Immigration Statistics. For detailed information about the figures these statistics include, click on the link above.

Length of detention at Yarl’s Wood

[HC Deb, 7 April 2014, c121W](#)

Stephen McCabe MP (Birmingham, Selly Oak, Lab) asked how many women held at Yarl’s Wood IRC have been detained for four years or more, three years or more and two years or more. **James Brokenshire** (Con) answered that no women have been held for longer than two years on the 31 of December, that being the latest date when figures are available.

Pregnant women in Detention

[HC Deb, 7 April 2014, c118W](#)

Stephen McCabe MP (Birmingham, Selly Oak, Lab) asked how many pregnant women are held in immigration detention. **James Brokenshire** (Con) replied that Home Office does not collate this information centrally. He stated that health care provided to pregnant women is appropriate to individual circumstances and that they have access to health care at all times. He added that: “Pregnant women are only detained in exceptional circumstances where their removal is imminent and medical advice does not suggest that the baby is due before the woman’s

expected removal date. Women who are less than 24 weeks pregnant may also be detained as part of the asylum fast-track process.”

Verne detainees living under prison rules

[HL Deb, 7 April 2014, c249W](#)

Lord Roberts of Llandudno (Lib Dem) asked “whether migrants detained in HM Prison The Verne from 24 March will have access to (1) Rule 35 procedures to determine whether their health would be damaged by detention, for example, due to a history of torture, (2) mobile telephones and the internet, (3) the ability to receive telephone calls from solicitors, family and friends, and (4) on-site legal advice surgeries; and if not, why not.” **Lord Faulks** (Con) replied that The Verne is still a prison, however, this designation will be reviewed, aiming at re-designate it as an IRC by September 2014. He added that: “it will be governed by Prison Rules rather than Detention Centre Rules. As The Verne is not governed by Detention Centre Rules, Rule 35 of those rules is not applicable.

Detainees held at The Verne will be treated in the same way as other detainees held within the prison estate.”

Zimbabwe deportation policy

[HC Deb, 7 April 2014, c112W](#)

Steven Baker MP (Wycombe, Con) asked what the policy is for deportation of Zimbabweans nationals who have no right to remain in the UK. **James Brokenshire** (Con) replied that they “prefer people to leave the UK voluntarily” if they have no right to stay in the country, and that they offer assistance for those cases. However, they seek to enforce the removal of those who have the convenient travel documentation and did not leave the UK voluntarily.

1,214 detainees held in prison at end of 2013

[HC Deb, 9 April 2014, c248W](#)

Philip Davies MP (ShIPLEY, Con) asked how many people in each prison are not held in relation to criminal proceedings and in each case, what are the reasons for being held. **Jeremy Wright**

(Kenilworth and Southam, Con) answered that at the end of 2013, in England and Wales there were 1,230 people were being held not in relation to criminal proceedings. Of these, 1,214 were immigration detainees and other 16 were being held for civil offences. To see the table provided with the non criminal prison population by establishment click on the Hansard link above.

Cost of converting the Verne into an IRC

[HC Deb, 10 April 2014, c408W](#)

Sadiq Khan MP (Tooting, Lab) asked how much had been spent in converting The Verne into an IRC. **Jeremy Wright** (Kenilworth and Southam, Con) replied that no additional money has been spent to prepare The Verne to hold immigration detainees. Nonetheless, infrastructure changes have been funded by the Home Office for this purpose. He added that these changes *“have allowed for early and cost-efficient preparation for its change of use while continuing to allow The Verne to operate as a prison”*.

therapeutically with people who have survived torture and organized violence. We provide group and individual therapies, creative and social activities, and practical casework assistance. At the heart of our work lies the cultivation of a non-residential, healing community through which our members re-establish trust and belonging and build meaningful lives in exile. Our members include people tortured by governments for political reasons, people trafficked to the UK, and people forced to flee their country of origin because of sexuality-based violence, conflict and persecution. We aim to enable people to heal from their traumatic experiences, find renewed meaning in life and reintegrate into society.

You can find out more about us through this link www.roomtoheal.org. For more information on these positions and how to apply, please follow this link <http://roomtoheal.org/2014/04/room-to-heal-are-recruiting/>

AVID, April 2014

Events

SOAS Detainee Support Group

Release XV: showing solidarity for detainees

SOAS Detainee Support Group has organized the XV edition of their event “Release” to raise voices against immigration detention and show solidarity with detainees. There will be several bands, performances and DJs throughout the evening. It will be from 10 to 3 on May 1st at Passing Clouds, (Richmond Rd, Dalston, London E8 4AA). For more information go to their Facebook site [here](#) or to their website [here](#).

Jobs and Volunteering

Room to Heal: Treasurer and volunteer caseworker

Room to Heal is currently looking for two Volunteer Caseworkers, and a new Treasurer to join the board of Trustees.

Room to Heal is a specialist charity working