

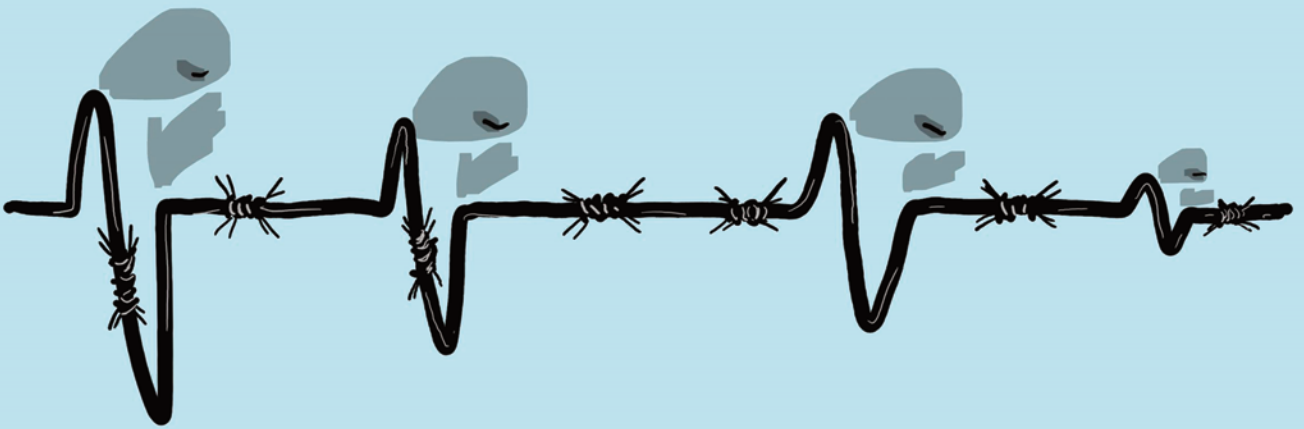


DETAINED AND DEHUMANISED

the impact of immigration detention



UNITED
KINGDOM



About JRS UK

The Jesuit Refugee Service (JRS) is an international Catholic organisation, operating in over 50 countries worldwide. Our mission is to accompany, serve as companions, and advocate on behalf of refugees, or forced migrants. JRS UK works specifically with refugees who have been detained or made destitute by the asylum process. JRS UK is based in Wapping, London, where we run a Day Centre for destitute refugees. This report is based on their experiences of destitution.

JRS UK Values

JRS is grounded in Catholic Social Teaching: our work is based on the principles of hospitality and carried out in a spirit of compassion and solidarity, encouraging participation and community, aiming to give hope, justice and dignity to refugees and forced migrants. As a work of the Society of Jesus, we draw on the charisma and principles of Ignatian spirituality, which affirms that God is present in human history, even in the most tragic episodes

Acknowledgements

This report is rooted in the experiences of people who have been detained or who are at risk of detention. We are hugely grateful to the people who told us more about what happened to them, which was often a costly exercise. They spoke in the hope that it would lead to change for others. We have changed their names in the report to protect their identity, but thanks to their courage, their experience is no longer hidden from view.

This report is dedicated to them.

We'd also like to thank E.E for sharing her striking poem for publication in this report, Carcazan for the illustrations, and Susan Bingham for the layout and design.

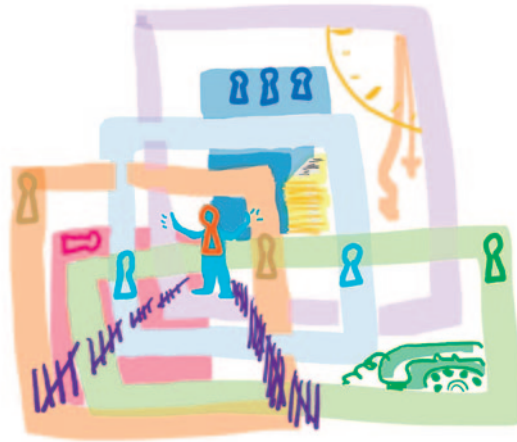
Lastly, we are indebted to Dr Sophie Cartwright, JRS UK Policy Officer, for her faithful commitment to listening to those who have been detained, and to the support of other JRS UK staff, including Megan Knowles, Beatrice Grasso and William Neal who helped to shape the report and bring these stories into the public domain.

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DETENTION IS

poem by E.E



Detention is. Detention is
Do you know the prison?
Do you ever locked up in a cell?
There is no difference between being criminal or innocent.
Detention is. Detention is being vulnerable, is a big crime
Trying to follow law. The law escape from you.
Try to find solicitor. Solicitors are not free
Detention is. Detention is.
Freedom is so far.
Deportation is so near.
Fear. Cry. Suicidal Thought.
What have I done?
Why am I here?
Detention is. Detention is.
Expired sanitary product.
Forced untasty food.
Dark, hopeless, end of the tunnel
Work for one pound per hour
Detention is. Detention is.
There are no human rights.
It is abuse and humiliating.
End the abuse of human right.
End the disaster called detention.
End detention. End detention.

FOREWORD BY THE DIRECTOR

JRS UK has been providing support to people held in immigration detention since the first days of our foundation as an organisation in the 1980s. Numbers of people held in immigration detention have risen sharply in the decades since. The Heathrow immigration removal centres where, until the COVID-19 pandemic, we provided a weekly outreach support and befriending service, now has the capacity to hold almost a thousand people. Those we meet in detention often have very traumatic backstories including torture, trafficking and abuse. But it is detention itself which is also a source of significant further trauma. What we have also learnt from accompanying destitute asylum seekers in the community is this pain often also fails to heal: the trauma of detention continues to shape the lives of people subject to its cruelty long after the experience itself has ended.

We wanted to give space to listen deeply to the experience of those who have been detained – to understand more about what happened to them, and to give voice to their reflections and thoughts on how it continues to affect their lives. We invited destitute asylum seekers who attend our day centre to take part in this project and we interviewed 24 of them in depth about their experience of detention.

What we heard in the interviews was truly harrowing. Across nearly two decades, and many different detention centres, immigration detention has inflicted physical and mental suffering and caused deep and lasting trauma, distorting people's sense of self and interaction with the world. Perhaps most shocking of all was how frequently torture survivors, who had fled here for safety, described detention itself as a form of torture.

This research was conducted during 2019, and the publication was delayed by the start of the pandemic. As we go to print, for the first time in many years, detention centres stand virtually empty, as measures to contain the coronavirus have forced an emptying out of detention. We now stand at a critical juncture – do we use this moment to imagine and enact a new more humane way of operating, or do we see this phase as a pause before returning to the old practice which has destroyed so many lives?

My deepest gratitude goes out to all who generously shared their experiences of detention, even though this may not always have been easy. Many told us they were taking part because they wanted to protect others from what had happened to them. My hope is that this report might indeed contribute to that process; that by shining a light on a practice that is so often hidden, that is brutal but has become normalised, it might help to effect a conversion of heart in us as a society, and it might help us to think about a different way of doing things as we rebuild after the COVID pandemic. Of course, on one level these findings are not new; they augment a rich and tragic body of evidence of the suffering and harm caused by detention. The stories of detention told here add to a cacophony of stories bravely told by many others. And all of them together point to many more stories that remain untold.

It is time to listen and to act.

SARAH TEATHER · JRS UK

EXECUTIVE SUMMARY

This report recounts experiences and reflections of people affected by immigration detention in the UK over the last two decades. We had in depth conversations with people who had been detained, and additionally with others at risk of detention. What emerged is harrowing: detention has a deep and lasting impact on the person: on mental and physical health, on the way one interacts with the world, and on sense of self and of one's humanity. Its trauma stretches beyond the period of detention, to be re-lived indefinitely over the years to come. Torture survivors experience detention as torture. They and others speak of detention as a kind of dying, and indeed detention fosters a culture of death where suicidal ideation is commonplace. Even a short period in detention is traumatic; long detention appears to be especially so.

Practices of detaining people lack accountability and cause deep trauma, and reporting to the Home Office is experienced in the shadow of detention. The prospect of detention and re-detention creates fear that shapes life long after release, punctuating it more sharply as the time to report approaches. Detention denies people basic goods: freedom, community, ability to contribute to society and participate in family life and legal processes. Detention is a context in which communication and engagement are thwarted.

Detention for immigration purposes was widely seen by interviewees to be unjust and intentionally cruel, and many called for an end to detention.¹ Interviewees also highlighted several structural features of detention as compounding its harmful impact. Arguably the most significant was the lack of a time limit. Most interviewees had an acute sense of time spent – or wasted – in detention. Further, not knowing when one would be released was central to an uncertainty that pervaded the experience of detention. Both long detention and the indefinite nature of detention were also seen as increasing the injustice of its practice. There was a wider sense that the process of detention was arbitrary, with no meaningful notice and no explanation. This not only felt unfair – it also magnified fear of detention and anxiety attached to reporting, and the way that reporting itself compounded long-term trauma from detention.

Recommendations

1. End the use of detention for the purpose of immigration control

For as long as immigration detention exists, the following steps should urgently be taken to limit it and reduce its negative impact on those detained, and on their families and communities.

2. Introduce a mandatory and short time limit for all those detained under immigration powers.
3. The decision to detain must go before a judge.

¹ This echoes JRS UK's collaborative report "For Our Welfare and Not for Our Harm", authored by Dr Anna Rowlands, where it was

INTRODUCTION

Immigration detention in the UK

Every year, the UK government detains thousands of people in prison-like conditions for the purpose of immigration control. Detention under immigration powers is an administrative, rather than criminal, procedure, and the decision to detain does not go before a judge. There is no time limit on immigration detention in the UK. In the year ending June 2019, 24,052 people entered immigration detention in the UK.²

Detention is ostensibly to administer immigration procedures, in the vast majority of cases in order to facilitate removal from the UK. However, over half of those detained are ultimately released back into the community.³

The power to detain people for immigration purposes has been in place since 1971 but was initially used relatively little. The detention estate was vastly and rapidly expanded at the start of the new millennium. In 1993, the UK immigration detention estate had capacity to incarcerate 250 people. In the year 2000, its capacity had grown to 475. By 2014, this number stood at 3800. Additionally, some people are held in prison purely under immigration powers. As of 2018, the capacity of the detention estate stood at 3200, having reduced somewhat in recent years.⁴

Numerous recent studies have highlighted, however, how immigration detention has become a matter of routine, not last resort.⁵

At the time of going to press in summer 2020, people remain in detention, despite a global pandemic that makes confinement in close quarters especially dangerous, and renders removal virtually impossible in many cases. At the same time, fewer people are held in detention centres than at any point in the previous 20 years.⁶ As lockdown eases, many released may be detained.

JRS UK

The Jesuit Refugee Service (JRS) is an international Catholic organisation, working with forcibly displaced people in over 50 countries. JRS in the UK supports people with experience of immigration detention in two contexts: through detention visiting at Heathrow Immigration Removal Centre (IRC), where we provide pastoral support and non-legal casework to anyone detained there; and in the community, where we work with people made destitute by the asylum process, who are struggling to gain recognition as refugees. Many are eventually recognised as refugees or as otherwise in need of humanitarian protection, and as having been so all along, through years of struggle.⁷ All of these people are liable to detention, and many have also been detained.

²According to Home Office statistics.

³ 56% of those detained under immigration powers in 2018 were released into the community, according to Home Office statistics.

⁴Amnesty International, "A matter of routine: the use of immigration detention in the UK" (December 2017), p.16. This does not include people held in prison under immigration powers, so it should be borne in mind that the total number is higher.

⁵Amnesty International, "A matter of routine"; BID, "

⁶The latest Home Office statistics show that 313 people were held in IRCs at the start of May 2020. This does not, however, include people held in prison under immigration powers. This number has unfortunately remained "relatively stable".

⁷For further details, see JRS UK's Topical Briefing "Destitution among those seeking asylum" (November 2019).

The research project in brief

We wanted to understand how those we worked with experienced detention, and the impact that detention had on their lives. We also wanted to listen to people with direct experience of detention – people who saw it and understood it from the inside. To do this, we conducted 24 semi-structured interviews with people who had experienced detention. Most of the people we interviewed were registered at our Day Centre, and all had claimed asylum. We interviewed several we had previously supported in detention. These placed this alongside a handful of earlier interviews with people in detention.⁸

Altogether, this report draws on accounts and reflections from 27 people with direct experience of detention, and a further 7 who had not been detained but who were liable to detention, and subject to reporting and hostile environment policies. Many interviewees had been detained more than once. Some had been detained for a relatively short period of time – a few weeks or less – whilst others had been detained for many months or more. The earliest an interviewee had entered detention was 2000, and the latest was 2018 with release in 2019. This meant that we heard both from people newly released from detention, readjusting to life outside, and others who still bore the scars years later. We asked people about how they experienced detention, for their views on detention, and how they had lived before and after detention. Interviewees were detained across 11 different centres (some of which are no longer operative).⁹

We gained a window onto the system of routine immigration detention that has been in place since the year 2000. What emerged was a picture of an inhuman system decimating human lives for nearly two decades and continuing to do so even long after release. Through creating fear, it also structures the lives of those liable to detention, even if they have not been – perhaps have yet to be – detained.

This report follows a number of earlier reports documenting the crushing human impact of the UK's immigration detention system. It also occurs in the context of other recent research at JRS UK: *For Our Welfare and Not for Our Harm*, a report exploring asylum seekers' experience of both detention and destitution, authored by Dr Anna Rowlands, of Durham University, on the basis of research conducted at JRS UK. The long-term impact of detention on a person's sense of self and on their skills and capacity arose in interviews during that research. By listening to the experiences and perspectives of a diverse community impacted by detention from the year 2000 to the present, we were able to develop a fuller picture of detention's effect on the person.

All names have been changed to protect individuals' identity.

⁸See Appendix 1: Methodology for further details.

⁹ Colnbrook, Brook House, Dover, Dungavel, Harmondsworth, Haslar, Morton Hall, Oakington, Tinsley House, The Verne, and Yarl's Wood.

SECTION 1: EXPERIENCES OF BEING DETAINED

Most people had vivid, traumatic memories of being detained and taken to detention. Many categories of migrant are required to sign in regularly at reporting centres, which are Home Office buildings, or sometimes at police stations. People are often detained when reporting, without warning. People are also detained at home, in the street, and in a number of other contexts.

Many we heard from were required to report for years, then unexpectedly detained either when reporting or at the address they had given the Home Office. A few were also detained when going to the reporting centre for a reason other than reporting – such as to notify the Home Office of a change of address. Others were stopped by immigration enforcement officers and detained in the street. Most people were detained after the refusal of an asylum claim, but some were also detained before or when claiming asylum.¹⁰ A few people were transferred to detention on the completion of prison sentences. In several cases, these were victims of trafficking, convicted of actions they were forced to carry out. In all but one other case, they were convicted of an immigration-related offence.¹¹

Among our interviewees, the most common way of being detained was when reporting. Several common threads emerged as people recounted being detained:

Trapped

When reporting, people may be taken into a separate room for an interview, of unknown content or duration, without warning. This interview is likely to be significant to their immigration case, and have a bearing on whether they will be detained, but it takes place without any legal advisor present. Several interviewees described feeling tricked or trapped:

One young man explained *“You have a short interview to trap you into saying things that will be used against your case later.”* The Home Office, he said, are *“looking to get you from all angles.”*

Some had been pressured to sign documents they did not understand. Signatures can be required to obtain travel documents needed for removal:

“You must sign otherwise you are not able to speak to your solicitor. It’s like blackmail....I start having flashbacks, I started shaking....I had no choice so I signed....As soon as she [the officer] opened the door I saw a cage....I realised I was a prisoner. It was like the whole world crumbled under my feet.”

¹⁰ Several were detained when claiming asylum, under the “Detention Fast Track” system, in which people with supposedly “straightforward” asylum claims were detained while their claims were determined. In practice, such claims were nearly always refused. The process has now been discontinued because the High Court ruled that it led to an unfair asylum determination process. See Appendix 2 for further details.

¹¹ Recent legislation advancing the hostile environment agenda has introduced new offences for certain immigration infractions. For example, the Immigration Act 2016 introduced a distinct criminal offence of working without permission to do so.

One woman who had gone to the Home Office to claim asylum was promised accommodation if she signed a document, but was detained instead:

“The interviewer told me ‘sign the paper and they will give you a place to stay.’ He lied to me. I didn’t know English.”

A man who had gone to the reporting centre to notify them of a change of address because he was moving in with his partner was grilled for three and a half hours, and then detained. Questions ranged from the mundane to the ridiculous “...[They] ask questions from stupid ones to normal ones. They ask what your girlfriend wears... I had to remind myself small details...[They were] Looking for a small excuse that day to arrest me.”

Danielle tells her story of reporting at the Home Office:

“When I went to sign they told me that I have an interview. There was an... interpreter present. They started asking questions. They asked me how I got here and how I claimed asylum, if I’ve got children here...”

Danielle was asked to sign a travel document. She refused. *“They started trying to traumatise me and force me to sign. I said ‘I’m not going to.’ They said to me ‘because you’ve refused to sign we’ll arrest you...They took all the papers and put me inside a room... Before they put me in the room they asked me to call someone to let them know. I stayed there. I don’t know for how long because there was n clock. When they took us out it was night time. They put us in a van. They said they’re taking us to detention...We didn’t even eat.”*

Forcible arrest

“The immigration officer hurt my neck. I couldn’t eat for two days.”

Many interviewees had vivid memories of the unnecessary force used to detain them. Handcuffing was felt to be particularly degrading:

“They took me with handcuffs...Why?”

“Taking me away in the van...I will never forget. Chains on my hands.”

“They handcuffed me and took me...I felt embarrassed...”

An older woman supported by JRS collapsed at the reporting centre when told that she was being detained. Though an ambulance was called, immigration officers repeatedly stated that she was faking. She was taken by ambulance to hospital but Home Office officials remained on guard with her while she was assessed, including guarding her overnight, and would not let her receive visitors. Eventually, the Home Office agreed not to detain her. She was moved to another hospital and spent several weeks there.

Long wait, often with no food

“They kept me locked up from 7 o’clock [in the morning] until 9 o’clock at night, no food, no water.”

People are required to report at particular times, and are penalised for lateness. Many travel from miles away and may have no money to pay for transport because they have been made destitute by the asylum system and often are not provided with travel tickets or reimbursed.¹² Additionally, there are often long queues, so people must arrive early to avoid being late, and often leave home early in the morning. If detained, people are then often transported late at night, so they may have had no food all day.

One man we interviewed left his house at 7 in the morning to report. He was detained after his interview and then forced to wait in a van until midnight. He arrived at the detention centre at 1 am. *“From 7 o’clock in the morning until the next day I didn’t have any water, I didn’t eat anything.”*

“They just left me in the office the whole day til 6pm [before taking me to detention]”.

Lack of information

Tom was arrested by immigration officers in the street, and taken to detention.

When this happened, he believed his case to be ongoing. The arresting officers told him his case had been refused – which was a surprise to him – but were unable or unwilling to furnish evidence of this: *“They arrested me in the street. They put me in [detention]...They said my case is being refused but ...it was pending...I kept asking for my refusal letter but they didn’t provide it.”*

Though anyone subject to immigration control is liable to detention, it is supposed to be atypical to detain someone while their asylum or immigration case is still under consideration.

People had been given little or no explanation of why they were being detained, where they were being taken, or what would happen when they got there:

“They...told me to pack all my stuff...I have to go with them...I had an interview ... They didn’t even tell me where” [detained at home].

“They put me in a van, I didn’t know where I was going. They don’t tell you...” [detained at a reporting centre].

Detention happens without any meaningful warning. Not being given any notice that they would be detained was particularly traumatic. One interviewee who had been detained three times told us:

“Each time is still shocking.... The decision doesn’t reach you before you go to report. It’s playing with people. They don’t inform you. It is not right.”

¹² For further information on difficulty securing travel costs, see for example, British Red Cross, “Never Truly Free: the humanitarian impact of the UK immigration detention system” (2018), which recommends.

Most interviewees had no idea why they had been detained. One man was detained when he claimed asylum immediately after fleeing his war-torn home country in North Africa in 2004. When he arrived in the UK, he spoke no English. He was released onto the streets – again with no explanation – a month later. He eked out an existence for 6 years until, in 2010, he came across a charity who helped him to claim asylum. He had not known why he was detained or what was happening, and to this day, he still could not name the detention centre he had been held in.

Torn from life and community

You may have gone to report with plans for later that day and then find yourself detained and taken to a detention centre miles from the city you live in, away from anyone you know. Those we spoke to explained how detention involves a sudden rupture from the outside world, and their relationships with those in it.

“It was terrible because you don’t know what’s gonna happen to you...you feel like you’re being kidnapped.”

“[The detention centre] is far away...your relatives, your friends or others can’t go there so you feel vulnerable...They do that on purpose to make you feel...broken down and say ‘okay I want to go back to my country’.”

The act of detention took everything:

“[O]ut of the blue you are arrested and taken to detention. You have this blank... you had everything at your disposal and everything is taken off you.”

One woman described how, in this already traumatic and unknown context, her family came to the reporting centre while she was being held there, but she was prohibited from seeing them: *“They take everything from you, and they allow you one phone call, so you have to choose if you call your family or your lawyer. I called my family, and when they came, I wasn’t even allowed to see them, not even to say goodbye. What kind of heartless thing is that?”*

Four people were arrested at the place they were staying.¹³ This typically happens early in the morning, in dawn raids, to ensure that those detained have no warning. People are frequently detained at the address they have given to the Home Office. Those subjected to this practice described shock and panic, violent behaviour from those who had come to arrest them, and even a sense that the whole thing could not actually be real:

“One day all of a sudden they came at 4 a.m. ...Told me to pack all my stuff...I have to go with them...I had an interview...They didn’t even tell me where. I was put in the van in the back like a criminal.”

“Imagine you are sitting at home and they came. 5, 6 o’clock. Knock on the door. It’s like a movie. Unbelievable.”

¹³ It may be misleading to describe this as home, as they were all staying with friends, to whom they were beholden, on a temporary and tenuous basis. For more information about the living situations of refused asylum seekers, see JRS UK’s report, “homelessness among destitute refugees in London” (January 2018).

SECTION 2: LIFE IN DETENTION

“Everything about detention is terrible...you just wanna get out...there is nothing good.”

“I would not wish anyone to go in detention.”

Detention wastes and controls time and life

Because there is no limit on the time someone can be held, those in detention have no idea how long they will be there. Detention can last a very long time, even for years. There is also very little to do there. *For Our Welfare and Not for Our Harm* found that “Detention produces isolation, idleness and a high level of anxiety about the duration of detention and the possibility of sudden removal.” In particular, one interviewee in that report said that detention *“is wastage... so much time was killed.”*¹⁴ Those who took part in this research echoed this sentiment. Time and the life that should have been lived in it were experienced as wasted in detention:

“[Detention is] just wasting people’s time, people’s life. Just waiting.”

“Every day is the same... You’re just killing time. It was like it’s not life.”

There was a sense that time passed slowly:

“I was in detention a month but it’s like a year.”

Detention regimes resemble prison regimes in that detainees are often confined to their rooms, or to particular parts of the centre, for long chunks of time. These limitations structured the way people experienced time in detention. Though they had an acute sense that their time was being wasted, the system did not allow even a superficially relaxed approach to the spending of this time. Time was tightly controlled, and this further limited the ability of those in detention to use it in a way they felt was productive or joyful. Several respondents went into detail about the regimes of the centres they had been held in, recalling the hours at which they were locked in their rooms, and the limited moments when they were allowed to walk around, or allowed to go outside.

“They open the main door 9 o’clock to 12 o’clock. They close 12 to 2. Then they’ll open again 2 o’clock til 5. Then 5 til 7. Then they open two hours I think. Then at 9 you have to stay in the room.”

“People should have more time to be. There is a certain time you have to go to the gym. There is a certain time you have to go to church.”

“The regime would say you’re only allowed to sleep at certain times.”

“They close the door all night...they closed the door at 9 o’clock so you had to stay in the room.”

Fear of removal

Immigration detention is ostensibly for the purpose of removal and many detention centres

¹⁴ “For Our Welfare and Not for Our Harm”, p.18.

are next to airports, so that, from within the detention centre, one can hear and see planes taking off. People are routinely taken by force from detention directly to the airport. Though most people detained are ultimately released back into the community, the prospect of removal inevitably generated fear as well as uncertainty. Since we were interviewing asylum seekers, people who had fled to the UK for their lives, this fear was often concretely about being removed back to a place of danger – it was mortal fear.

“You are always scared, always in a state of panic that they will deport you...My country is not safe for me – but they [the Home Office] didn’t understand this.”¹⁵

One woman detained in 2016 explained:¹⁶

“[I was told I had a plane ticket]. I couldn’t sleep that night. You don’t know when they’re coming to snatch you away.”

There was widespread awareness of patterns that might indicate removal was imminent – for example, being moved from one detention centre to another close to an airport – and fear connected with these:

“I was moved [from another detention centre] to Colnbrook. I was so scared – Colnbrook is near Heathrow airport, so I knew I must be being booked onto a deportation flight.”

The physical act of forced removal was itself a key feature of detention that shaped the way life was lived there and was part of the structure of the daily routine in detention. One interviewee described removals beginning early in the morning:

“From 6 o’clock you can hear people screaming, crying because they have come to force them back on a plane.”

Forced removal could be brutal. One man had witnessed his friend being beaten up for trying to resist removal. The episode was so horrific that a nurse who worked at the detention centre was in tears at what was happening.

Uncertainty pervades detention

“Not knowing when you’ll be released is the killer for everyone inside. It’s not like prison where you have been sentenced for two years or one month. At least then you would know. In detention, you don’t know how long you’re going to stay. The security guards don’t know about immigration, so there is no one you can ask what is going on. And you don’t know if today they’re going to call you to release you or to take you to Heathrow. It could be a call at midnight, at ten o’clock, at four o’clock in the morning.”

Detention could end tomorrow, or not for years. When it does end, this could be in release

¹⁵ Within legal terminology, “deportation” refers most often to removal following a criminal sentence. Colloquially, amongst those subject to the practice, the term is often used to mean any “forced removal”.

¹⁶ The practices involved in informing people that they are about to be removed changed between 2000 and 2018, the period over which our interviewees were detained. From 2015 until March 2019, people would be informed that they were liable to be removed without warning and at any time over a 3-month window.

or removal. Detainees are often moved between centres at short notice, and these moves can take them further from family and friends. Everything is uncertain, and detainees are denied the agency to participate in shaping their futures.

Interviewees explained the impact of not knowing when they would be released or what would happen next. It was impossible to plan, and, in a context where they were at the mercy of others, they had no idea what those others might do to them:

“The most awful thing was an uncertainty: Not knowing whether I will be released and what they’re going to do to me”.

“We don’t know when we will be released. When we will have fresh air, when we can walk in the street. It’s really hard...to see people outside.”

“When you enter there... you never know when you’re gonna come out...”

“People lose hope because you don’t know if you’re gonna be released. It’s like you’ve disappeared.”

People were rarely given any information about what was going on whilst they were in detention, much as they had been given little or no information at the point of being detained. This added to the uncertainty inherent in indefinite detention. For example, people talked about not knowing whether they would be moved to another centre, and if so when; not knowing if roommates would be released or removed without warning, and others put in their place; and not knowing what was happening with their case. Nothing and everything happened, and most of it felt arbitrary. One woman who had developed severe health problems in detention told us that being in detention brought sleepless nights, illness, and stress because “you don’t know what is happening”. Similar reflections from other interviewees included:

“Uncertainty, living indefinitely. You don’t know what’s going to happen so fear and anxiety is always part of your life.”

“You’re locked up and you don’t know what’s going on and what’s going to happen to you. This is the worst thing you can do to a human being wherever they are from.”

Detention negatively impacts health

“Everyone becomes sick...”

There is a significant body of evidence demonstrating that immigration detention is very damaging to health, especially mental health.¹⁷ This was reflected in our interviewees’ experiences.

A woman told us she now found it difficult to urinate, and had to take medication to help her. This problem began following an incident while she was being transferred between detention centres in a van. She asked the escorting officers to let her use the toilet. They refused, and said she could simply urinate on herself.

¹⁷ See for example Medical Justice, “Mental Health in Immigration Detention Action Group Initial Report”, 2013; British Medical Association, “Locked Up, Locked Out: health and human rights in immigration detention”, 2017.

She was then obliged to hold in her urine for a long time, until she did eventually urinate in her clothes.¹⁸

One woman had such a severe physical health condition, first experienced in detention, that a judge ruled that she would not be fit to fly for the foreseeable future. Health problems could sometimes be traced to specific instances of ill-treatment or abuse in detention. Several people talked about how hard it was to remain physically healthy in detention. A man detained in Harmondsworth between the end of 2017 and the start of 2018 reported that the tap water was undrinkable.

Depression, stress, loss of appetite and insomnia were prolific, and several people described developing serious health conditions in detention.

“Someone somewhere is always having mental health issues.”

The damage to mental health came across particularly strongly. A number of interviewees observed that detention undermined the government’s own stated aim of promoting good mental health:

“People will pick up mental health problems in there, anxiety. Then you release them in society. On the one hand, the government is saying they have to reduce mental health problems, on the other, they are causing them.”

As well as detention causing attrition of health over time, particular events could have a rapid effect. For some people, arriving in detention, being moved, or being given a plane ticket had had a strong, immediate impact on physical well-being. One man collapsed after being moved at short notice to a centre near an airport and given a plane ticket.

People also reported poor access to healthcare, and a lack of rigour among clinicians, and sometimes poor attitudes from healthcare staff, though these varied:¹⁹

“People were getting depressed and they started losing their minds...the healthcare guy told someone ‘this is what you deserve.’”

A woman with asthma, among other health problems, was detained for 3 months in Yarl’s Wood and was without an inhaler throughout her detention despite requesting one repeatedly.

The indignity of work in detention

“For work £1 ...they will work from morning til night.”

Detention centres employ those incarcerated to perform daily tasks vital to the running of the centre, such as cooking and cleaning. They are exempt from minimum wage legislation and detainees are paid approximately £1 an hour for this work.²⁰

¹⁸ This story is echoed by previously published evidence of detainees being forced to urinate on themselves because denied access to a toilet: Medical Justice, “Outsourcing abuse”, p.51.

¹⁹ For further evidence of inadequate healthcare in IRCs, see BID’s report “Nothing Good Comes from Detention: Voices from Detention”, pp.17-18.

²⁰ The exemption is under Section 59 of the Immigration, Asylum, and Nationality Act 2006.

Although the work is voluntary, for many people, it is the only way to afford phone credit to call solicitors and stay in touch with family and friends. Our interviews did not routinely include questions about the practice, but the issue arose in 6 of them unbidden²¹ and there was widespread anger at the injustice of the practice.

Several respondents also spoke about how they were banned from working outside of detention. Virtually all asylum seekers are banned from working in the UK, as are those without immigration status. Furthermore, working without permission to do so is a criminal offence. The broader theme of work arose despite this not being obviously pertinent to any of the questions asked. Underlying this was a desire to do something good, in contrast to detention which, like the ban on work for asylum seekers and those without immigration documents, had deprived them of this opportunity. One man observed: “If I organise a business, it would be good for the country. If I employ more people, I can pay taxes.” For him and many others, work was about dignity, agency, and contribution. But the mode of work offered in detention fostered none of these. One man specifically contrasted low wages in detention with norms in wider British labour law.

The ban on work outside detention sat incongruously with the way employment operated in detention

One man was asked whether he had worked in detention. He responded: “I told them ‘I’m never ever going to work for you guys’”. He observed that prison and, subsequently, detention were punishment for working for asylum seekers, but then those same people encountered exploitative working practices and wages in detention:²² “In a week [in detention] you can earn about £30. You’re locking people up because outside they’re earning £7 an hour.”

Victims of exploitation are detained, and can be exploited again in detention

Victims of trafficking and modern slavery often end up in detention partly as a consequence of being exploited. The ban on work, and criminal penalties for contravening it, increase vulnerability to exploitation by making it difficult for people in exploitative work situations to seek help: JRS UK has worked with victims of trafficking in detention who have convictions for “illegal working”. Victims of trafficking can be transferred to detention following raids on work places or brothels, or after serving prison sentences for actions arising directly from them being trafficked.²³

One interviewee who had been forced to work gruelling hours in painful conditions prior to her detention referred to the model of working for extremely low pay in detention as “*exploitation*”.

²¹ In a seventh interview, we asked about work in detention because it was relevant to the way the conversation had developed.

²² If someone is caught working without permission, even if they are not prosecuted, this will likely lead to detention, and count as a ‘negative immigration factor’, making it harder for them to secure release.

²³ We frequently support victims of trafficking forced to work in cannabis factories, convicted for related offences, and then transferred to detention following prison sentences, as detailed in JRS UK’s “Survivors of Trafficking in Immigration Detention” (2019). There is also strong evidence women trafficked to the UK and forced to work as prostitutes are frequently transferred to detention following police raids on brothels; see Women For Refugee Women, “the detention of Chinese women who have been trafficked to the UK” (2019).

Detention is Torture

Malik was tortured in prison in his country of origin.

He was later detained for several months in the UK: *“You go somewhere where you think it’s safe, and they put you through the same process. The law fails victims of torture. They don’t have to put you in detention. They put you back in the same situation...Putting someone in detention is a kind of torture...[in detention] torture is worse, because it’s psychological... you take it with you all your life.”*

The frequent detention of torture survivors is well-documented.²⁴ It is also a readily observable reality for JRS UK’s detention outreach team, and colleagues working to support people in detention at other charities. JRS UK routinely encounters survivors of torture in detention. Several interviewees in this project reported histories of torture, despite no questions about torture being asked.

A 2012 report “The Second Torture: the immigration detention of torture survivors”, by Medical Justice, detailed the routine detention of torture survivors, and revealed that they also experienced detention itself as torture. Our research corroborates this picture – over a period going well beyond the one covered in that report.

“I went in detention in my country. I was tortured, persecuted. You took me to detention again.”

“It’s torture... how long can you keep punishing people like this?”

“People are coming here to seek protection not to be tortured for the second time.”

“...[In my country of origin] people come take me. They put me in prison. So when I come here they put me in detention...it’s torture.”

For some of those we spoke to, the absence of time limit and transparent process was a significant part of making detention feel like torture:

“Detention should be a last resort, and should be for a short period of time. Putting someone in detention indefinitely is torture.”

Until 2016, government policy was theoretically to detain recognised torture survivors only under exceptional circumstances. In response to criticism about the frequent detention of torture survivors, the Adults at Risk in Immigration Detention policy was introduced in 2016. It was ostensibly designed to protect vulnerable people from harmful detention but has been widely criticised for failing to do so.

²⁴ Freedom from Torture received 101 referrals from suspected torture survivors in immigration detention between January and September 2017 (submitted to the Joint Committee on Human Rights (JCHR) inquiry into Immigration Detention). A 2017 inspection of Harmondsworth IRC by HMIP examined Rule 35 reports, where doctors raise concerns that a detainee has been tortured. It noted that “in nearly all of the cases we examined, the Home Office accepted evidence that detainees had been tortured, but maintained detention regardless.” The experiences of detained torture survivors routinely arise in wider reports on detention, such as BID “Voices from Detention” (2019) and British Red Cross “Never Truly Free: The humanitarian impact of the UK immigration detention system” (2018).

The policy:

- Lists various indicators of vulnerability to harm in detention, including being a victim of torture;
- Has three levels, corresponding to evidence of vulnerability rather than level of vulnerability;
- Weighs evidence of vulnerability against immigration factors in deciding whether to maintain detention.

In practice, immigration factors routinely outweigh vulnerability so that most people recognised as vulnerable – e.g. as victims of torture – remain detained.^{25]}

Detention fosters a culture of death

“They should close detention. They kill innocent souls.”

Between 2000 and 2019, an estimated 54 people died either whilst held under immigration powers or very shortly after release.²⁶ The Home Office does not routinely publish statistics around suicide attempts in detention. A Freedom of Information request made by the NGO No Deportations found that 159 suicide attempts were made in UK detention centres between April and June 2018 – that is an average of more than 50 per month over a 3-month period.²⁷ The following needs to be set in this context.

Many interviewees had experienced detention as a place in which death was ever present. They were aware of the deaths and near deaths of people around them, and therefore the wider prospect of imminent death, for themselves and others.

There was a keen awareness of suicide in detention:

“Detention and immigration issues...make people suicidal”.

“Detention is...suicidal”.

“[I]f you don’t find something to encourage yourself that there’s eventually going to be light at the end of the tunnel you will become depressed. That will lead to suicide.”

Interviewees had vivid memories of fellow detainees attempting suicide and actually dying, either through suicide or through ill health caused or exacerbated by detention.

“I saw people cutting themselves, someone who tried to hang himself, someone who died in detention...”

“I saw 3 people try to commit suicide.”

“There were people committing suicide, people dying, [they] couldn’t take it anymore.”

²⁵ See Appendix 3: Policy and Legislative context for further details.

²⁶ For further details, see Medical Justice’s annual reports, available : <http://www.medicaljustice.org.uk/about/our-structure-and-history/annual-report/>. The Home Office began to publish statistics on deaths in detention in 2017, but excludes those held in prison under immigration powers and just released.

²⁷ <https://www.theguardian.com/uk.news/2018/oct/11/revealed-two-sucide-attempts-every-day-uk-deportation-detention-centres>

One person recalled the murder of a fellow detainee by others detained with him. A woman recalled how a man died in the family unit at Yarl's Wood shortly after arrival.²⁸ His death sowed grief, fear, and anger across the centre.

For one young man, suicide was something that might come to people you spoke to and ate with and take them in the night:

"I am, 2am in the morning, someone has committed suicide...bodies coming out... there's two of you and then one of you is gone...imagine it could happen to you and me [sitting in a room at JRS UK's office, having a conversation]".

Three interviewees explained that they had felt suicidal in detention, and the effect that this had on them was long-term. Two had actually attempted suicide:

"I stopped eating...I wanted to end it."

*"I wanted to kill myself: I wrote in a suicide letter 'The system killed me, the Home Office killed me'."*²⁹

"There was one time [in detention] I thought of doing something stupid like kill myself, but I tried to push it away. I knew everything, even if it's bad, will end."

When we invited people to participate in the project, several of them felt unable because detention had been so traumatic that they could not bear to relive it. This suggests that our sample could be skewed towards people with relatively less traumatic experiences of detention, so it is especially worrying to find three people who considered or attempted suicide among them. Among those we serve as a whole, attempting or considering suicide in detention may well be even more common.

There was also a wider sense that detention was death-like, or killed a part of the person. Several people explained that being in detention felt like dying:

"It's psychological torture...It's like dying little by little."

This could be a corollary of the lifelessness enforced by prolonged and indefinite incarceration and inactivity:

"You just in there. It's not a life. This is killing people gradually."

Detention Dehumanises

Treated as non-human

Many people spoke of being treated as though they were not human, sometimes more specifically of being treated like animals, or even objects, when being detained or whilst held in detention.

"They must not talk to people like they are animals."

[We were] being treated like animals."

²⁸This death, of Pinaken Patel, was reported in the media. See <https://www.theguardian.com/uk-news/2015/apr/20/detainee-dies-yarls-wood-immigration-centre>

²⁹The person who told us this had gone on to attempt suicide. Thankfully, he was not successful.

*"[When detaining them] some humans are treating other humans like animals."
When moving you to detention "they put you on the cargo side like baggage".*

Losing self

Very often, people spoke not only of being treated inhumanly in and through detention, but also actually of being dehumanised by detention – of coming to feel less human, and of losing something of themselves or their capacity to engage with the world. Detention had changed them and others around them:

"Going into detention, I felt terrible, de-humanised. I had nobody, no voice. I felt so much hatred for people like me."

"You go in there with all your senses and you come out senseless. Something happened to you because you are no longer the same person."

"You can go in and you're a normal person. You come out and everything is messed up. You're a different person".

"It takes away your humanity".

One woman's recollection of her feelings on being detained spoke powerfully of self-alienation, a disconnection with some part of herself:

"I just feel as though my soul came out of my body".

Feeling like Nothing

The sense of destruction and loss was so strong that several interviewees spoke of being treated like or made into nothing:

"[Being taken to detention made me feel] as if it's not worth living... I'm not human, it's like I don't exist".

This could be connected to a perceived absence of justice: *"After release, I made sure I complied with my conditions. With the tag,³⁰ it was very difficult, but I still did it. And then I went to sign and was still detained. It is so dehumanising. It's just a drop on the system for them, you're nothing."*

Destruction of personhood was sometimes linked to the destruction of physical and mental health. One woman spoke of the way detention inflicted itself upon her body, mind, and spirit: *"Detention is a very, very dangerous place. It destroys your spirit. From the first day I was detained up to now, I have high blood pressure. It's like daily stress and constant anxiety."* Detention imprints itself on the whole person.

While many people talked about being treated inhumanly or made to feel less human, one woman turned the issue on its head: *"What kind of human being does this to people?"* she asked, speaking to how detention erodes the humanity not only of those subjected to it, but also of those who orchestrate it.³¹

³⁰ This person had been electronically tagged as a condition of their release.

³¹ This echoes research by Mary Bosworth, 'Affect and Authority in immigration detention', *Punishment and Society* (2018), 1-18. Bosworth notes "Operating without a clear basis of moral legitimacy, officer testimonies make clear, is painful and corrosive, for staff and for detainees."

No communication or engagement

“The officers...treated me like an animal when they transferred me...to Gatwick. [When I asked questions] They didn’t even say no [i.e., they just didn’t respond].”

“Nobody wants to listen to you...They call you all sort of names.”

Lack of communication or acknowledgement on the part of Home Office or detention centre staff recurred in a range of contexts including day-to-day life in detention.

For example, one person recalled someone else being given her bed without her being informed. This mundane, routine failure to acknowledge people could be itself disempowering and dehumanising. Very often, people spoke of an absence of communication about their asylum or immigration case:

“They gave me a plane ticket. I was confused, I didn’t really understand what was happening. I had to fill in some forms and I said ‘I’m not going’. I try to explain why. No one is listening.”

The frequent failure of staff and officers to communicate offers context to the difficulty many interviewees had had in accessing healthcare in detention. One woman – a victim of trafficking who had a chronic medical condition and experienced serious health problems in detention – explained: “They call us animals. Even if you call for medical attention they don’t hear or answer you.”

Abuse by staff or immigration officers

The sense of being dehumanised needs to be set in the context of other reported abusive treatment. Several instances of this have been described above: beatings during forced removal, unnecessary restraint or use of force and being held without food or water and denied access to a lavatory for long periods during and whilst awaiting transit. We heard other reports of abuse by detention centre staff. These included:

Threats of physical violence.

Threats to interfere negatively in someone’s case.

Further instances of staff beating detainees: *“I have seen some of the officers beat some of the other detainees.”*

Sexual harassment of female detainees by male guards. A woman who had been detained in Yarl’s Wood told us *“Guards open your door because they want to see you.”*

A sexual assault by a detention centre officer during a search, in preparation for moving between centres. A woman reported being asked to remove her underwear: *“The lady searching put her hand between my legs”*. Another official present was distressed by this abuse and did offer to report it, but the victim was too afraid.

One interviewee noted that power imbalance in detention made him vulnerable to and in the face of abuse:

“One security guard threatened me physically...I realised I was weak, vulnerable,

because I realised that if I tried to challenge him he could hurt me.”

There were a small handful of more positive accounts of interactions with staff. One person who was detained twice in the same centre said that, when they arrived there the second time, some staff recognised them and sought to reassure them.

The findings of our research appear to resonate with other investigations such as Medical Justice’s *“Outsourcing abuse: the use and misuse of state-sanctioned force during the detention and removal of asylum seekers”* (2008) and the recent Home Affairs Select Committee Inquiry into Immigration Detention, conducted in response to widespread abuse at Brook House IRC (2019). The report found that *“Levels of abuse and violent behaviour have been reported across the immigration detention estate”* and observed that their findings followed earlier revelations of abuse.³²

Detention and the immigration system

Detention obstructs immigration and asylum cases:

For several interviewees, detention had interfered with the proper consideration of their immigration or asylum case.

One man recalled waiting for an appointment to get a Rule 35 report – a medical report detailing his experience of torture. He was then told that he had an “appointment” at the airport, which would mean he missed his Rule 35 related appointment. *“I left my stuff. They said ‘Take your stuff’. I knew I wouldn’t come back”*. He explained to detention centre staff that he had to get the Rule 35 report, and that it was evidence in the asylum claim he was preparing – that is, evidence which might demonstrate he needed and had a legal right to international protection in the UK. They told him, *“If you don’t want [to go], we’re going to force you to go.”* Because he was in detention, he had no agency to do anything about this: *“You are powerless...Deep down in my soul, I took my stuff and started crying.”* He did indeed have a flight booked – meaning that he could have been forcibly removed without consideration of evidence important to his asylum claim. For unrelated reasons, he was not ultimately removed, but many others are not so lucky.

In addition, most interviewees had found it difficult to access legal advice or communicate with solicitors in detention.³³

The difficulty of engaging with an immigration or asylum case in detention was often bound up with both tight control of time and lack of information. Time could stretch out indefinitely, only to be cut short abruptly. Something changed in an immigration case, and there was no time to respond:

³²House of Commons Home Affairs Committee, “Immigration Detention”, report of Session 2017-2019, p.80.

³³ Connectedly, ongoing monitoring from BID reveals that access to legal advice in detention is generally poor. BID’s Spring 2019 survey of detainees revealed that only 64% of respondents had a solicitor, and only 42% were taken on as a client following a free legal advice surgery in detention – the system for ensuring access to legal advice in detention.

Samuel recalled being moved from one detention centre to another closer to the airport. He was presented with a number of documents simultaneously – a refusal letter for his application for leave to remain, which was dated at least a week earlier; and a ticket for a flight. He was confused, angry and upset. There was no opportunity to appeal, no time.

One interviewee considered that the lack of communication about his case was a deliberate tactic to make it easier to remove him: *“The government don’t want you to know anything. The more clueless you are, the easier for them to get rid of you.”* This also applied to their perceived refusal to listen *“They don’t care what you have to say, it’s all about what they want you to do.”*

Procedural injustices in detention decisions

As will already be evident from accounts of being detained, there was a frequent sense of procedural injustice around decisions to detain or continue detention, alongside instances where procedures ostensibly in place to ensure fairness were not followed.

“The judge and immigration are smiling and shaking hands. It’s just a formality”.

Detention and the hostile environment agenda

Several people judged that detention was intentionally horrendous, that its main purpose was to cause suffering or create fear:

“They put these conditions there for a reason. The terrible conditions are there on purpose...Just to make life difficult for you...the hostile environment doesn’t just happen on the outside.”

“[The Detention Centre] is far away...your relatives, your friends or others can’t go there so you feel vulnerable...They do that on purpose to make you feel...broken down and say ‘okay I want to go back to my country’.” Detention isolated you and broke down relationships with your family, this interviewee explained, in order to break you personally and render you compliant.

The reference to the hostile environment is telling. It is government policy to create a “hostile” or “compliant” environment for refused asylum seekers and those without immigration documents – to make life in the UK unbearable for them in the hope that they will leave.³⁴

The perception that detention is unpleasant by deliberate design is reflected in recent government statements. Detention is described as a tool to deter breaking of immigration rules, not only as a mechanism for administering immigration procedures. In June 2019, Caroline Nokes, then Immigration Minister, said, *“We are continuously seeking ways to improve the detention system to ensure that it is fair to those who may be detained, upholds our immigration policies, and acts as a deterrent to those who might seek to frustrate those policies.”*

³⁴ For more information, see Liberty, ‘A guide to the Hostile Environment’ (May 2019)

Detention is hidden

“Most people in this country don’t even know there’s a place called Yarl’s Wood.”

“People outside will never know what happened there.”

Several respondents commented that detention happened away from public view, hidden. Many detention centres are out in the country, and people are relatively unlikely to pass by them. In our experience of raising awareness of detention, people who drive by centres regularly may still not know what they are used for. Because most detention visiting takes place in specially designated spaces and visitors are not allowed in living quarters, detention could be partially hidden even from many who went to support those in detention, in either a personal or a professional capacity:

“Even when you’re a visitor you cannot have a good view. The visitor room looks nice, but it is not what is happening inside.”

The inherent injustice of detention

Many interviewees believed that immigration detention itself was unjust. They had been punished, having done nothing wrong:

There was something unnatural about detention for immigration purposes – indeed, about the UK’s whole approach to immigration: “They’ve put me in prison for no reason...It’s prison for foreigners. The only offence you committed was the fact that you were a foreigner and you come into this land. It’s not against the law to set foot on somebody else’s land that God created.”

“You feel like a criminal, just because you don’t have papers.”

Interviewees who had served a prison sentence and been transferred to detention from prison had a sense of being endlessly punished for a finite crime:

“They’re punishing me indefinitely.”

“It was just one punishment, but I’ve done it about five times.”

The arbitrariness of detention eroded any sense of justice these individuals might otherwise have connected to the criminal justice system.

Alongside the overwhelming fear of removal, two respondents argued that indefinite and long detention in particular lacked procedural justice because it did not cohere with the government’s stated purpose in using detention – that is, removal.

There was a sense that these injustices revealed a side to UK society at odds with its self-understanding and claim to be a human rights defender:

“The UK is the only country that does [indefinite detention] in the whole of Europe. They say ‘We promise to treat you with humanity.’ They are literally breaking that promise.”

“Human rights in this country, I discovered there is more to it: Britain has a bad side people don’t know about.”

Several respondents explicitly called for an end to immigration detention:

“They should close detention.”

“Government has to close detention.”

“Just close detention.”

“They should abolish detention”.

Reclamation of life

Though detention often damaged humanity, people subjected to it also defended, recovered, and fought for their humanity. We asked interviewees what, if anything, had helped them get through detention, and shards of light emerged.

Human connection was a key source of strength. Several people mentioned how receiving visitors had helped them get through detention. Furthermore, connection with others in the same situation was a lifeline for some. One man told us that getting to know people in detention was the only thing that helped him have the strength to survive it. *“Really, that’s the only thing you have...the people around you. That’s it.”* [JRS UK organises a pastoral visiting programme to the detention centres at Heathrow. Some people find that the human connection this provides is an important source of resilience].

Several people had found faith to be a powerful source of strength:

“The only thing that keeps you going is you pray, you have faith.”

“I had faith that I would come out of this situation”.

The importance of religious faith for endurance echoes the findings of *For Our Welfare and Not for Our Harm*. Dr Rowlands found that faith was among other things a site of meaning-making and agency for people in detention, as in destitution. Similarly, the present research found that community and faith could go together as a source of hope and way to reclaim agency.

A woman held in Yarl’s Wood for a month described her involvement in a prayer group that would particularly devote time to pray for people who had been given a plane ticket for their removal. *“We would pray for everyone, even the officers”* she explained. This group acted in solidarity with each other, and by giving good where none had been received.

One young man had started playing football in detention. Now he coaches. He explained how, in doing so, he was *“turning bad things to good things”*.

This echoes interviewees’ repeated insistence that they should be allowed to work and contribute, that they wanted to use their skills and do something good.

-SECTION 3: LIFE AFTER DETENTION

Even after release, detention continued to imprint itself on the lives of those once detained, on multiple levels.

Long-term impact on the person

We did not ask any explicit questions about the long-term impact of detention. However, repeatedly, people explained how it was still affecting them. The thought of detention was traumatising, and their experience continued to shape how they saw and interacted with the world – in some cases, over a decade later. A woman most recently detained in 2008 told us: *“It’s still affecting me, even today”*. One of the interviewees who had reported feeling suicidal in detention reported still feeling as though he wanted to die. Other people similarly reported severe ongoing trauma:

“Detention still affects me. Hearing the word, or seeing documentaries on telly about it – it disturbs my health.”

“My head sometimes...I’m angry like this, I start shouting because I’m traumatised from detention....In the night if you sleep you hear officers open the door... When I see the police...I think they want to catch me, they want to do something with me.”

Previous experience of detention resulted in an ongoing fear and uncertainty.

When asked how many times he had been detained, one interviewee jumped immediately to the prospect of re-detention: *“[I was detained once] but I don’t know what’s gonna happen next.”*

“When I was released it was even difficult for me to cross a road because of mental torture for 7 months.”

Someone detained repeatedly explained how both the fact and the fear of re-detention paralysed him, preventing him from getting on with his life:

“I cannot progress, I can’t do anything, I’m useless.”

Reporting and fear of re-detention

“You know that the next signing event you could be detained.”

Detention was feared among all those we spoke to, and as soon as we asked people about detention, they jumped naturally to reporting, even if they had never been detained. In this way, detention and the fear of it shapes the lives of everyone liable to detention.

Reflections from people refused asylum who had never been detained included:

“I go to sign every month in the Home Office. I have a friend who went to sign and when she went to sign they detained her...[E]very month the Home Office sends me a message asking me to come and sign and so when they send me a message I cannot sleep... when signing is finished sleeping comes back little by little.”

One man remembered being asked to follow an officer into another room when he went to report: *“That’s what happens when you go to detention...I started shaking...”* He was not ultimately detained but *“I was afraid to go to report again. I have to go report every month. One week before you get a message. When you get the message you feel scared.”*

Reporting was particularly terrifying for those who had been detained, who felt the trauma of previous detention and the fear of re-detention especially strongly in that context:

The question *“How many times have you been detained?”* could evoke answers that led not only to the possibility of re-detention, but more specifically to reporting:

“[I was detained] once but sometimes when I report I’m kept behind which... could be very, very frightening because you don’t know what the next thing will be.”

“It gives me stress, so much stress. Each time I go there, my blood pressure goes very high. I feel dizzy sometimes.”

“I’ve been reporting nearly 5 years...The worst thing is the day you have to attend. No one wants to be in that position...We feel we are treated like criminals or animals. What have we done to be treated like this? They shout at you in front of people. Your heart is beating.”

One man detained twice, initially on Detention Fast Track, described living in perpetual fear of return to his country of origin, where he would be in danger: *“I continue to be at risk. There is no day I don’t go to bed and say ‘I don’t know what’s gonna happen next.’”*

Detention was a threat that hung over all dealings with immigration officials, fundamentally setting the terms of engagement with the immigration system.

CONCLUSION

The experiences of those who participated in this project offer a window onto an immigration detention practice and system that is dehumanising and cruel, in which people are subjected to trauma, deprived of basic goods, and neither spoken to nor heard. Indeed, it is implausible that a context of indefinite incarceration for immigration purposes could support right relationships between those incarcerated and those enacting the incarceration. In telling stories of detention, this report tells of a practice that is antithetical to the dignity of the human person.³⁵

This report adds to an authoritative body of existing evidence of the deep and lasting harm caused by immigration detention. In 2010, the Jesuit Refugee Service published research on immigration detention across Europe, documenting that it routinely made people vulnerable.

³⁵ In his message for the 104th Day of Migrants and Refugees in 2018, Pope Francis writes “For the sake of the fundamental dignity of every human person, we must strive to find alternative solutions to detention for those who enter a country without authorisation”.

Alongside offering recommendations to improve the systems of detention, the authors found that *“The negative consequences of detention [for immigration purposes] and its harmful effects on individual persons are disproportionate”* and that *“the human cost of detention is too high”* irrespective of whether it achieves immigration control.³⁶

The present research leads to a similar conclusion: The use of immigration detention is incompatible with a humane and just immigration and asylum system.

Recommendations

1. End the use of detention for the purpose of immigration control

Immigration detention is harmful and unjust. The Government and Home Office should adopt an alternative system that is proportionate, accountable, and respects the dignity and right to liberty of those subject to immigration control.

For as long as immigration detention exists, the following steps should urgently be taken to limit it and reduce its negative impact on those detained, and on their families and communities.

2. Introduce a mandatory and short time limit for all those detained under immigration powers

A short time limit would significantly reduce the uncertainty involved in being detained; and it would prevent people being held in detention for months or years. Though even a short period in detention is harmful, both long detention and indefinite detention are especially traumatic. In our interviews, the indefinite nature of detention was contrasted with clear and accountable limits for prison sentences, undermining the integrity of the criminal justice system for those who had entered detention from prison. There is good evidence that the effect of detention on mental health typically increases in detention of over a month.³⁷ Evidence from Dr Katy Robant can also be found in *“The Report of the inquiry into the use of Immigration Detention in the United Kingdom”* (2015), p.19, authored jointly by the APPG on Refugees and the APPG on Migration.

It is relevant in this context that there are tight mandatory time limits on how long people can be held without charge in other areas of law, 28 days being the longest time allowed in any other context.³⁸ A time limit of 28 days or less would decrease the arbitrariness of detention and its harm to the person.

3. The decision to detain must go before a judge

For as long as immigration detention is used, the decision to detain must have authoritative oversight independent of the Home Office in which the potential detainee has the opportunity to meaningfully engage. Practices of detaining lack

³⁶ Jesuit Refugee Service Europe, *“Becoming Vulnerable in Detention”* (2010), p.13.

³⁷ K. Robjant, I. Robbins and V. Senior (2009), ‘Psychological distress amongst immigration detainees: A cross-sectional questionnaire study’, *British Journal of Clinical Psychology* 48: 275-286, p.282.

³⁸ The Mental Health Act 1983 allows people to be detained for up to 28 days. Terror suspects can be held for 14 days without charge. In the criminal justice system, police can hold people suspected of crimes for 24 hours without charge; this rises to up to 96 hours if the suspected crime is very serious. For further details, see The Detention Forum, *“Why a 28 day time limit on immigration detention?”* Working paper (September 2018).

transparency, independent oversight, and procedural justice, contributing to traumatic fear of detention. People feel trapped, even kidnapped, under current practices of detention. It is notable that where people are deprived of liberty in other areas of law, this is subject to judicial oversight. When people are detained for immigration purposes, they are incarcerated via an administrative procedure. Judicial oversight of the decision to detain would make the decision more transparent, and give people a chance to argue the case against their detention; it would also help to ensure that detention is only used sparingly, bringing practice in line with written policy and legislation. Ongoing judicial oversight of continued detention should also be introduced, to ensure that any time limit does not become the typical length of detention.



Appendix 1: Methodology

The bulk of the research for this report was conducted through semi-structured interviews focused on detention. The results of these were analysed alongside some previously published material, based on conversations with people in detention.

Semi-structured Interviews

Most of the research was conducted through semi-structured interviews with people liable to detention. 24 interviewees had experienced immigration detention in the UK, and 7 had not.

Questions for the interviews were developed in close conversation with people with direct experience of detention and reporting, JRS UK's detention outreach team, and JRS UK's destitution services team, these being overlapping categories. Questions were asked and answered orally, and answers recorded by hand, verbatim. Some interviews were conducted in French, Lingala, and Tigrinya respectively, via interpreters.

We advertised the research project in JRS UK's day centre, and staff leading on the project were available in the day centre to discuss the project and make appointments for interviews. We also contacted people whom we had supported in detention, who had been released, to invite them to participate in the project. Wherever someone required an interpreter, one was offered. At the day centre, interpreters in Amharic, Arabic, French, Lingala, and Tigrinya were on hand so that people were not prevented from involvement in the project by language barriers.

Both when the interview was arranged and immediately before it began, it was explained that interviews were being conducted for the purpose of publicly available research, that participants would not be personally identifiable in the research, and that they could skip any questions they did not want to answer and could stop at any time. It was also explained that whether or not they participated in the research project would have no impact on their relationship with JRS UK. Oral consent was obtained on this basis. We did not seek written consent because there are several reasons this could be disempowering. Significantly, given language barriers, there was a risk that this would involve asking some participants to sign documents they could not personally read.

Testimonies from within detention

The report also includes material from 3 personal stories shared with JRS UK's detention outreach team by people held in Heathrow IRC, also previously published.³⁹

This had the following advantages:

- It allowed us to place the interviews conducted specifically for this research project in a wider context.
- It gave those who had already told us about their experience of detention the opportunity to be part of the project, without obliging them to re-tell their stories.

³⁹ See JRS UK's Topical Briefing "Survivors of Trafficking in Immigration Detention" (2019)

⁴⁰ Capacity can fluctuate according to room usage, and the capacity of different centres has often changed over the course of their time in operation, so capacity figures are approximate.

Re-living experiences of detention can be draining and traumatic, so we did not want to ask people to do this unnecessarily.

- It allowed us to include the perspectives of people reflecting and speaking from within detention, alongside perspectives from people speaking about it afterwards. When planning the research, we explored the possibility of conducting semi-structured interviews in detention but concluded the barriers to doing this ethically were too great, detention not offering a space in which people can feel secure.

Appendix 2: UK Immigration Detention Centres

At the time of publication, there are 7 immigration removal centres (IRCs) in the UK: Brook House, Colnbrook, Dungavel, Harmondsworth, Morton Hall, Tinsley House, and Yarl's Wood. In addition, there are short-term holding facilities at Manchester and Larne. Specific units in Yarl's Wood and Colnbrook also operate as short-term holding facilities. Colnbrook and Harmondsworth together comprise Heathrow IRC. What follows is a list of all UK detention centres operative at any point since the year 2000.⁴⁰

BROOK HOUSE Gatwick Airport, operative from 2009-present
Capacity c. 500 (men only)

CAMPSFIELD Oxford, operative 1993-2019 (now closed)
Capacity at closure: c. 280 (men only) *Campsfield was mixed-sex until 1997.*

DOVER IRC, operative 2001-2015 (now closed)
Capacity at closure: c. 400 (men only)

DUNGAVEL South Lanarkshire, operative from 2001-present
Capacity: c. 250, mostly men; 14 spaces for women
Some social spaces are mixed-sex in Dungavel.

HASLAR Hampshire, near Portsmouth, operative 2002-2015
Capacity at closure: c. 170, men only
Haslar was previously a prison, and from 1989 until it became an IRC it housed exclusively foreign national prisoners.

HEATHROW IRC

COLNBROOK, operative from 2004-present
Capacity c. 420, mostly men. Colnbrook contains the Sahara Unit, used as short-term holding facility for women, with a capacity of 18.

HARMONDSWORTH, operative from 2000-present
Capacity: c. 615 (men only)

MORTON HALL Lincolnshire, operative from 2011-present Capacity: c. 390 (men only)

OAKINGTON IMMIGRATION RECEPTION CENTRE
Cambridgeshire, operative 2000-2010 (now closed)
Capacity at closure: c. 400 (men only)

TINSLEY HOUSE Gatwick Airport, operative from 1996-present
Capacity: c. 160; primarily men only spaces, additionally a family unit
Tinsley House was the UK's first purpose-built detention centre.

THE VERNE Portland Island, Dorset, operative 2014-2017 (now closed)
Capacity at closure: 580 (men only)

YARL'S WOOD Bedfordshire, operative from 2001-present
Capacity: c. 410; primarily women only spaces, additionally adult only family spaces

Appendix 3: Policy and Legislative context

Legislation overview

The Immigration and Asylum Act 1971 gives power to detain a person:⁴¹

- To examine immigration status
- To facilitate removal or deportation

The Immigration and Asylum Act 1999 sets out the responsibilities of detention officers, and requires the Home Secretary to make rules to manage detention centres, which resulted in the Detention Centre Rules 2001. This marked an increased systemisation and routinisation of detention for immigration purposes.

The Nationality, Immigration and Asylum Act 2002 explicitly states that asylum seekers can be detained at any point, not only after refusal of their claim.⁴²

It also formally adopts the term “removal centres”, whereas previously the term “detention centres” had been used.

The Immigration Act 2016 removed the mechanism for routinely providing accommodation to people released from detention who would otherwise be destitute.⁴³

This was enacted in January 2018 and, in the experience of JRS UK's detention outreach team, this change has resulted both in delays in release, and in increased release into homelessness.

⁴¹ Immigration and Asylum Act 1971, schedule 2.

⁴² Nationality, Immigration and Asylum Act 2002, part 4.

⁴³ Immigration Act 2016, Schedule 10 of the Immigration Act 2016. Accommodation may be provided “in exceptional circumstances”.

Also under the Immigration Act 2016, a range of powers under which release from detention could be granted – such as temporary admission and temporary release – were abolished and replaced with the power to grant immigration bail (previously only one such power), which now comes with extra powers to detain. It also replaces the technical status given to individuals seeking asylum and awaiting a decision from “temporary admission”⁴⁴, which was introduced in the 1971 Immigration Act, to “immigration bail”.⁴⁵ This implies a further routinisation of detention for people with precarious immigration status.

Detained Fast Track⁴⁶

Background

A system for making initial decisions on asylum claims while claimants were detained was piloted at Oakington reception centre in 2001. Claims were decided within 7 days, and appeals were pursued in the community. A new Detained Fast-Track (DFT) process, to become mainstream, was introduced at Harmondsworth IRC in 2002, for men, and then at Yarl’s Wood IRC, for women, in 2005. Under this system, claimants were held in detention whilst their appeals were heard as well as whilst initial decisions were made.

Process

Under the DFT that operated from 2002-2014, people could be detained immediately on claiming asylum, and held in detention while their asylum claims were determined, which would typically take place within 2 weeks. In practice, fast-tracked cases were nearly always refused.

When one claims asylum, one has an initial screening interview. This covers basic facts such as name and country of origin, but does not go into detail about one’s reasons for claiming asylum, which are left to a “substantive interview”, held later. When the Detained Fast-Track system was operative, a Home Office caseworker decided whether cases could be decided quickly on the basis of the screening interview. If they could, the person would be detained.

Ruled Illegal

In July 2015, the High Court ruled Detained Fast-Track as it then operated to be illegal, on the basis that it resulted in an unfair asylum process, and DFT was consequently suspended, though the Home Office made several attempts to re-start it. The Home Office states that it is not its policy to detain people whilst their claims are ongoing, but does not publish statistics on how many people it detains under these circumstances.⁴⁷ People who claim asylum in detention may often remain detained.

⁴⁴ Schedule 10, Part 1.

⁴⁵ See (See 3, 6). http://www.legislation.gov.uk/ukpga/2016/19/pdfs/ukpga_20160019_en.pdf

⁴⁶ For more details, see Detention Action, “: the unnecessary detention of asylum seekers”, 2011.

⁴⁷ In his second review into detention “Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons”, Stephen Shaw wrote, “I am told that the majority of those individuals managed by DAC [Detained Asylum Casework] have claimed asylum only after being detained for removal.”

Adults at Risk in Immigration Detention Policy⁴⁸

Previous policy on detention of vulnerable people

Until September 2016, it was Home Office policy to detain certain categories of person only under “very exceptional circumstances”. The categories were:⁴⁹

- Unaccompanied children and young persons under the age of 18.
- The elderly, especially where significant or constant supervision is required which cannot be satisfactorily managed within detention.
- Pregnant women, unless there is the clear prospect of early removal, and medical advice suggests no question of confinement prior to this.
- Those suffering from serious medical conditions which cannot be satisfactorily managed within detention.
- Those suffering from serious mental illness which cannot be satisfactorily managed within detention. In exceptional circumstances, it may be necessary for detention at a removal centre or prison to continue while individuals are being or waiting to be assessed, or are awaiting transfer under the Mental Health Act.
- Those where there is independent evidence that they have been tortured.
- People with serious disabilities which cannot be satisfactorily managed within detention.
- Persons identified by the Competent Authorities as victims of trafficking.

Stephen Shaw’s highly critical “Review into the Welfare of Vulnerable Persons in Detention” (2016) highlighted the high numbers of very vulnerable people in detention. The Adults at Risk in Immigration Detention (AAR) policy was developed in response.

Adults at Risk Policy

The AAR policy was implemented in September 2016, with the ostensible aim of reducing the detention of vulnerable people. The policy weighs evidence of vulnerability against immigration factors. It operates with reference to a list of indicators of vulnerability to risk of harm in detention and 3 Levels of evidence.

The indicators of vulnerability are:

- Suffering from a mental health condition or impairment
- Having been a victim of torture
- Having been a victim of sexual or gender-based violence, including Female Genital Mutilation (FGM)
- Having been a victim of trafficking or modern slavery

⁴⁸ For further information, see Medical Justice, “Putting Adults at Risk: a guide to understanding the Home Office’s ‘Adults at Risk’ policy and its history”, 2017.

⁴⁹ Under paragraph 55.10 of the Enforcement Instructions and Guidance. This is recorded in Stephen Shaw “Review into the Welfare of Vulnerable People in Detention”, 2016, p.84

- Suffering from post-traumatic stress disorder
- Being pregnant
- Suffering from a serious physical disability
- Suffering from other serious physical health conditions or illnesses
- Being aged 70 or over
- Being a transsexual or intersex person

Levels of evidence

Level 1: self-declaration of being an adult at risk. There is no duty of inquiry on the part of the Home Office in response to such a self-declaration.

Level 2: Professional evidence that one is an adult at risk.

Level 3: Professional evidence that 1) the person is an adult at risk – i.e., that one of the above categories applies to them and 2) detention is likely to cause harm.

JRS UK is among many organisations to identify problems with the AAR policy:

- In practice, recognition at Level 1 carries virtually no weight, and recognition at Level 2 carries very little weight in these calculations.
- There are particular barriers to recognition at Level 3. Risk of harm is difficult to prove within the policy's framework.
- Evidence of risk of harm is sometimes ignored in detention reviews.

Recognition of Torture: Rule 35(3) reports

Rule 35(3) of the Detention Centre Rules 2001 provides a mechanism for medical practitioners to report that someone is a survivor of torture. This offers evidence that can feed into the Adults at Risk policy. Other indicators of risk have no such mechanism.

Victims of trafficking and modern slavery

Background: The National Referral Mechanism (NRM)

The NRM is the UK government's system for assessing whether someone is a victim of trafficking, or other form of modern slavery, introduced in 2009.⁵⁰ The "Competent Authority" is the body or group responsible for assessing the case of someone referred to the NRM; as of April 2019, there is a Single Competent Authority, sitting within the Home Office, to address all cases of modern slavery. Previously, different agencies acted as the Competent Authority depending on the potential victim. For non-EEA nationals, the Competent Authority was the Home Office, most often the UKVI.⁵¹

⁵⁰ Initially it was specifically intended to identify victims of trafficking. The Modern Slavery Act 2015 extended its remit to include all victims of modern slavery.

⁵¹ Which branch of the Home Office was responsible varied depending on where in the UK the referral was made, and other criteria, such as whether the victim was seeking asylum. See "Victims of modern slavery – Competent Authority guidance", Version 4.0.

The NRM process has two stages which are supposed to work as follows:⁵²

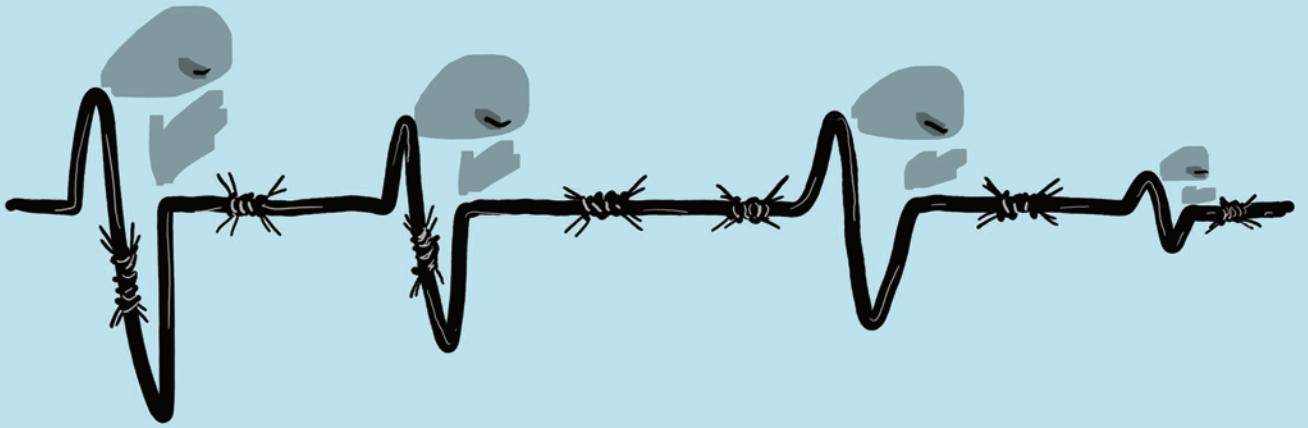
- Reasonable Grounds Decision: on the basis of information available, the decision-maker “suspects but cannot prove” that the person is a potential victim. At this stage, the victim is granted a 45-day recovery period to decide on their next steps, and provided with accommodation in a safe house if needed.
- Conclusive Grounds Decision: on the information available “it is more likely than not” that the person referred is a victim of trafficking or modern slavery. The evidential bar for a conclusive grounds decision is supposed to be low.

Government policy on victims of trafficking and modern slavery in detention

Under Home Office guidance, people receiving positive reasonable grounds decisions should only be detained on grounds of “public order”.⁵³ The definition of public order is the subject of court proceedings at the time of writing, on the grounds that it is unclear. This means that, if a survivor of trafficking receives a reasonable grounds decision, their detention is not considered primarily under the AAR policy. Consideration of public order is a separate process. However, someone who has received a conclusive grounds decision would again be considered under the Adults at Risk policy (the government does not have a policy not to detain recognised survivors of trafficking).

⁵² More details can be found on the National Crime Agency’s website.

⁵³ The most recent Competent Authority Guidance, Version 8.0, states that the Home Office has a “policy to release potential victims of modern slavery from immigration detention unless there is a public order reason not to do so” (September 2019), p.86.





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