

Detention of asylum seekers in the UK

Overview	2
Detention policy	2
Detention in practice	2
Reasons for detention.....	3
Length of detention	4
Description of the UK detention estate	5
Capacity.....	6
Cost of detention.....	6
Use of prison accommodation	6
Statistics	7
Key Issues	9
Legal advice and representation.....	9
Access to bail.....	9
Detained fast-track system	10
Conditions in detention	11
Health and welfare.....	12
Detention of children and families.....	13
Women in detention.....	14
Other vulnerable groups	15
Inspection and accountability.....	16
Alternatives to detention	19
Bibliography	20

Overview

Detention policy

The detention estate has expanded rapidly over the past decade which is a reflection of the government's stated intention to facilitate the quick processing of asylum applications, to increase the removal of a growing number of failed asylum seekers and to gain greater control over the asylum system as a whole. The Home Office believes detention is necessary whilst verifying identities of new arrivals and to reduce rates of asylum seekers absconding. Critics believe increased detention is used as a means of deterrence. Local tensions arising from the Home Office's dispersal policy have been used to legitimise detention, on the basis that social unrest can be alleviated through increased use of immigration detention.¹

The detention of persons subject to immigration control was first introduced in the 1920 Aliens Act and further expanded as part of the 1971 Immigration Act.² However, it is only since the early 1990s that detention has become an integral part of UK immigration procedures. In July 1998 the Home Office published its White Paper *Fairer, Faster, Firmer*, which represented a clear attempt to increase the use of detention, particularly with the introduction of a fast-track process considered by NGOs as a mechanism put in place to deter future asylum applications.³ The subsequent White Paper *Secure Borders, Save Haven* published in 2002 echoes much of the same policies in the 1998 paper and affirms the government's position that detention is an 'essential element to the effective enforcement of immigration control'.⁴ Increased detention was further reinforced in the government's five-year strategy,⁵ with the announcement that by 2005, 30% of new asylum applicants would be processed through the detained fast-track system.

Whilst the use of detention has increased significantly, Chapter 38 of the Home Office Operational Enforcement Manual states that detention should only be used as a 'last resort', 'for the shortest possible time' and that 'all reasonable alternatives to detention must be considered before detention is authorised'.⁶

Detention in practice

Asylum seekers and other migrants, including their dependents can be detained at any stage of their application to enter or remain in the UK: on arrival, with appeals outstanding, or prior to removal.⁷ Immigration detainees may be: asylum seekers whose claims are being processed; immigrants who have not arrived legally; overstayers who have failed to leave the country on expiry of their visas; foreign criminals awaiting deportation; or rejected asylum seekers awaiting removal. In many cases the categories overlap, for example an illegal entrant or overstayer

¹ Bacon, C. (September 2005) *The evolution of immigration detention in the UK: The involvement of private prison companies*, Refugee Studies Centre Working Paper no. 27 and

Malloch, M. and Stanley, E. (2005) 'The detention of asylum seekers in the UK: Representing risk, managing the dangerous', *Punishment and Society*, vol. 7, pp. 53-71

² Welch, M. and Schuster, L. (2005) 'Detention of asylum seekers in the US, UK, France, Germany, and Italy: A critical view of the globalizing culture of control', *Criminology and Criminal Justice*, vol.5, p.331-355

³ Malloch, M. and Stanley, E. (2005) 'The detention of asylum seekers in the UK: Representing risk, managing the dangerous', *Punishment and Society*, vol. 7, pp. 53-71

⁴ Home Office (February 2002) *Secure borders, save haven: Integration with diversity in modern Britain*

⁵ Home Office (February 2005) *Controlling our borders: Making migration work for Britain*

⁶ Joint Council for the Welfare of Immigrants (2006) *Immigration, nationality and refugee law handbook*

⁷ Jackson, A. (2003) 'The detention of asylum seekers in the UK: bail for immigration detainees,' *Feminist Review*, vol. 73, no.1, pp. 118-22

may also be an asylum seeker. Detention may be authorised if the immigration authorities have 'good grounds' for believing that a person will not comply with requirements to keep in contact with them.⁸

The decision to detain an asylum seeker is made by an individual immigration officer or Home Office official and is not automatically subject to independent evaluation of the lawfulness, appropriateness or length of detention. The discretionary nature of decision making is considered problematic by commentators, who have voiced concerns that immigration detention, unlike in the normal criminal system, does not require judicial sanction.⁹ Research by the University of Cambridge highlighted that immigration officers can be subject to peer pressure when deciding to detain someone, as they may feel duty bound not to reverse or challenge another colleague's decision.¹⁰

Reasons for detention

All detainees have a right to be given reasons for their detention under Article 5 (2) of the European Convention on Human Rights (ECHR), which states that anyone who is arrested shall be informed promptly of the reasons for their arrest. In addition, both the Detention Centre Rules and the Operational Enforcement Manual state that detainees should be given written reasons for their initial detention and then at monthly intervals thereafter. However, it has been documented that in practice the vast majority of detainees are not provided with reasons for detention on a monthly basis.¹¹

Immigration officers serve initial reasons for the decision to detain by way of a checklist. The checklist enables officers to indicate the reasons for detention that apply to a particular individual. The use of a checklist has been strongly criticised by NGOs for being too simplistic to constitute a reasoned notification of the detention decision.¹² Furthermore, asylum lawyers have argued that the reasons given for detention are vague and apply to most asylum seekers, the majority of whom are not held in immigration detention.¹³

Research into how decisions to detain asylum seekers are made revealed that 51 per cent of immigration officers thought that preventing asylum seekers from absconding was a main reason for detention. Fifteen per cent stated that encouraging a claimant to withdraw their asylum application was a main purpose, whilst 13 per cent gave deterring other people from claiming asylum as a main reason for detention. The researchers also found that detention rates varied significantly between ports, with the assumption made that some officers were using detention disproportionately.¹⁴

⁸ Joint Council for the Welfare of Immigrants (2006) *Immigration, nationality and refugee law handbook*

⁹ Welch, M. and Schuster, L. (2005) 'Detention of asylum seekers in the US, UK, France, Germany, and Italy: A critical view of the globalizing culture of control', *Criminology and Criminal Justice*, vol.5, p.331-355

¹⁰ Weber, L. and Gelsthorpe, L. (2000) *Deciding to detain: How decisions to detain asylum seekers are made at ports of entry*, University of Cambridge: Institute of Criminology

¹¹ Bail for Immigration Detainees (September 2002) *Submission to the United Nations Working Group on Arbitrary Detention: Immigration detention in the United Kingdom*

¹² Ibid.

¹³ Weber, L. (July 2003) 'Down that wrong road: Discretion in decisions to detain asylum seekers arriving at UK Ports' *Howard Journal of Criminal Justice*, vol. 42, no.3, pp. 248-262

¹⁴ Weber, L. and Gelsthorpe, L. (2000) *Deciding to Detain: How decisions to detain asylum seekers are made at ports of entry*, University of Cambridge: Institute of Criminology

Length of detention

Unlike most European countries and contrary to the recommendation made by the UN Working Group on Arbitrary Detention, there is no legal limit to the time a person may be held in immigration detention in the UK.¹⁵ The UN Working Group recommended in 1998 that the UK government should specify an absolute maximum duration for the detention of asylum seekers and that this should become statutory. This recommendation has not been implemented and asylum seekers remain in detention for indefinite periods.

The Operational Enforcement Manual states that 'in all cases detention must be for the shortest time possible', however those advocating on behalf of detainees have stated that this instruction is not adhered to in practice. Evidence gathered by Bail for Immigration Detainees (BID) revealed that detention periods of six months were not uncommon and in some cases detention was maintained for over two years, the worst case being a detainee held for just under three years. BID notes that the lack of a statutory time limit for immigration detention results in increased uncertainty and frustration amongst detainees.¹⁶

¹⁵ **Welch, M. and Schuster, L.** (2005) 'Detention of asylum seekers in the US, UK, France, Germany, and Italy: A critical view of the globalizing culture of control', *Criminology and Criminal Justice*, vol.5, p.331-355

¹⁶ **Bail for Immigration Detainees** (September 2002) *Submission to the United Nations Working Group on Arbitrary Detention: Immigration detention in the United Kingdom*

Description of the UK detention estate

The centres in which people are detained are called Immigration Removal Centres (IRCs) and Reception Centres. Prior to 2002, Removal Centres were called Detention Centres. The Nationality, Immigration and Asylum Act (2002) brought about the name change, however it was stated at the time that the function of these centres would remain the same and criteria for detention would not change. The use of the word 'removal' has been criticised by advocacy organisations, who claim that many asylum seekers are detained in IRCs who have on-going claims and are not facing imminent removal.¹⁷

In addition to IRCs, immigration detainees can also be held in prisons, police stations and short term holding facilities (STHFs), usually at ports. There are currently four STHFs in operation at Manchester, Dover, Harwich and Colnbrook and people can be held in these centres for up to a few hours pending transfer to a residential holding centre or an airport.¹⁸ Seven out of the ten IRCs are privately run and there are government plans to outsource the management of all IRCs. Commentators have expressed concern that private sector companies are less accountable for their actions, less open to public scrutiny and are bound by fewer rules than government agencies.¹⁹

IRC	Location	Run by	Detainees	Capacity ²⁰
Campsfield	Oxfordshire	GEO	Male only	198
Colnbrook	Nr. Heathrow airport	Premier Detention Services	Male only	313 (plus 40 STHF)
Dover	Kent	The Prison Service	Male only	316
Dungavel	Lanarkshire	Group Four Securicor	Mixed, family accommodation	190
Harmondsworth	Nr. Heathrow airport	Kalyx	Male only	501
Haslar	Hampshire	The Prison Service	Male only	160
Lindholme	South Yorkshire	The Prison Service	Male only	112
Oakington	Cambridgeshire	Global Solutions Ltd (GSL)	Male only	352
Tinsley House	Nr. Gatwick airport	GSL	Mixed, family accommodation	137
Yarl's Wood	Bedfordshire	GSL	Mixed, family accommodation	405
			Total capacity	2,684

¹⁷ Jackson, A. (2003) 'The detention of asylum seekers in the UK: bail for immigration detainees,' *Feminist Review*, vol. 73, no.1, pp. 118-22

¹⁸ Bacon, C. (September 2005) *The evolution of immigration detention in the UK: The involvement of private prison companies*, Refugee Studies Centre Working Paper no. 27

¹⁹ Ibid.

²⁰ Home Office (February 2007) *New site for immigration centre*

Capacity

The current UK detention estate can accommodate approximately 2,700 immigration detainees. In the 2002 White Paper *Secure Borders, Save Haven*, the Home Office indicated it intended to increase the number of places in detention to 4,000 by Spring 2003. Whilst this target has not been met, the government is continuing its efforts to increase the size of the detention estate. For example, in February 2007 the Home Office announced plans to open an additional IRC at a former RAF base in Norfolk.²¹

Cost of detention

In answer to a request made under the Freedom of Information Act, the Home Office revealed that in 2005/6 the weekly cost per detainee ranged from £511 (Lindholme) to £1,344 (Colnbrook).²² The cost of detaining someone in the fast-track process at Oakington costs £1,620 per week.²³

Use of prison accommodation

There are approximately 500 immigration detainees held in prisons whose whereabouts are often unknown and unrecorded in Home Office statistics.²⁴ Advocacy organisations believe that conditions in prisons are inadequate for immigration detainees, especially due to the fact that prisons are primarily geared towards punishing and rehabilitating offenders.²⁵

In the 1998 White Paper *Fairer, Faster, Firmer*, the Home Office outlined its intention to reduce the use of prisons as places of immigration detention. The 2002 White Paper confirmed that the withdrawal of the use of local prisons as places of immigration detention would cease by January 2002. In spite of this objective, prisons are still routinely used to accommodate immigration detainees and the practice increased significantly following a fire and disturbances at Yarl's Wood IRC in February 2002. Campaign groups are concerned that detainees are being transferred to prisons for punitive purposes and that accountability is lacking regarding the movement of detainees from immigration centres to prisons.²⁶

²¹ Home Office (February 2007) *New site for immigration centre*

²² Home Office (January 2007) *Response to a request under the Freedom of Information Act - Immigration Removal Centres*

²³ Malloch, M. and Stanley, E. (2005) 'The detention of asylum seekers in the UK: Representing risk, managing the dangerous', *Punishment and Society*, vol. 7, pp. 53-71

²⁴ Ireland, H. (ed.) (2006) *Immigration detention: A handbook for visitors*, 6th revised edition, AVID

²⁵ Joint Council for the Welfare of Immigrants (2006) *Immigration, nationality and refugee law handbook*

²⁶ Bail for Immigration Detainees (September 2002) *Submission to the United Nations Working Group on Arbitrary Detention: Immigration detention in the United Kingdom*

Statistics

Since 1995 the Home Office has produced statistics in quarterly snapshots of how many asylum seekers are detained on a particular date as opposed to a general annual total of all people detained. Due to the quarterly nature of these statistics, an asylum seeker could be detained for up to 89 days (just under three months) and their detention would not be counted as part of the snapshot.²⁷ Furthermore, no statistics are published of the overall periods spent in detention by each detainee. Concern about lack of available statistics of the total number of detained asylum seekers was noted in a 2003 report by the Select Committee on Home Affairs. The Committee recommended that the Home Office provide annual numbers and duration of detention of those detained under Immigration Act powers who have sought asylum at some stage in the UK.²⁸

The latest quarterly snapshot for 30 December 2006 shows that 1,320 people were detained who had claimed asylum at some stage during their stay in the UK. This accounts for 72% of all immigration detainees and excludes persons detained in police cells and prison establishments. Of this total:

Gender:

- 87% (1,150) detainees were male
- 13% (170) detainees were female

Children:

- 45 detainees were under 18 years old; 30 boys and 15 girls
- 25 of these minors had been in detention for less than one month, 15 for between one and two months and the remainder for between two and three months.

Length of detention:

- Following a change in the way in which data is collected, statistics by length of detention for adults are not available for the fourth quarter of 2006. Information on minors has only been made available through the examination of individual case files, which according to the Home Office would only be possible for adult detainees at disproportionate cost.

Place of detention:

- 1,285 detainees were held at Immigration Removal Centres, and 30 at Short Term Holding Facilities
- There were fewer detainees than to be expected at Harmondsworth (55 compared to 305 detainees in December 2005) due to a major disturbance in November and at Haslar due to one wing being closed for refurbishment.

Nationality:

- The nationalities accounting for the highest number of asylum detainees were Turkish (115), Afghan (100), Sri Lankan (85), Nigerian (85), Indian (60), Eritrean (60), Pakistani (60), Jamaican (55), Algerian (55) and Iranian (55).

²⁷ Amnesty International (June 2005) *Seeking asylum is not a crime: detention of people who have sought asylum*

²⁸ Select Committee on Home Affairs (April 2003) *Asylum removals: Fourth report of session 2002-03*

Leaving detention:

- During the third quarter (July - September) of 2006, 3,740 asylum detainees left detention: 1,970 (53%) were removed from the UK, 1,545 (41%) were released (granted temporary admission)²⁹ and 215 (5.5%) were released on bail. Less than 1% was granted leave to enter/remain.

Detained fast-track (DFT) processes³⁰ are currently operating in three IRCs - Oakington, Harmondsworth and Yarl's Wood. The Home Office asylum statistics for the year 2005 show that in:

Oakington

- 94% of initial asylum applications were refused
- 5% of initial applications were granted asylum
- 1% were granted Humanitarian Protection (HP) or Discretionary Leave (DL)
- 11% of appeals lodged were allowed and 86% were dismissed.

Harmondsworth:

- 99% of initial asylum applications were refused
- 1% of initial applications were granted asylum
- None of the detainees were granted Humanitarian Protection (HP) or Discretionary Leave (DL)
- 6% of appeals lodged were allowed and 91% were dismissed.

Yarl's Wood:

- 99% of initial asylum applications were refused
- 1% of initial applications were granted asylum
- None of the detainees were granted Humanitarian Protection (HP) or Discretionary Leave (DL)
- 3% of appeals lodged were allowed and 90% were dismissed.

The latest available figures for the DFT process are from 8 December 2006 and state that 170 claimants were detained under the accelerated system of whom 125 were male and 50 were female. Of the 125 male claimants, the nationalities accounting for the highest number of asylum detainees were from Afghanistan (15), Pakistan (15) and Turkey (15). The average time spent detained since entering the DFT process was 45 days. Of the detained female claimants, Nigeria was the predominant country of origin and the average length in detention was 21 days.³¹

²⁹ Temporary admission allows an asylum seeker to remain in the country whilst their asylum application is being determined. It is usually subject to certain conditions, such as residing at a particular address and the requirement to report to a designated immigration reporting centre, or police station at specified intervals (usually weekly or monthly).

³⁰ For more information on the fast-track process see the first IAC thematic briefing on the asylum determination process

³¹ Hansard (15 January 2007) House of Lords, written answers - *Immigration fast-track procedure*

Key Issues

Legal advice and representation³²

Research and independent inspections have shown that difficulties in accessing quality legal advice and representation are even more acute when an asylum seeker is detained. This has been raised as an issue of concern by a number of organisations and HM Inspectorate of Prisons has drawn attention to the fact that 'access to competent and independent legal advice is becoming more, not less difficult, as fewer private practitioners offer legally aided advice and representation.'³³

Organisations working with detainees have reported reluctance on the part of solicitors to take on cases where a client is detained. Solicitors feel that they cannot sufficiently prepare a case within the restricted timeframe set out by the Legal Services Commission (LSC) and there is often an assumption that the case will most likely fail. The additional time spent travelling to visit detainees and trying to secure their release are added burdens for solicitors, particularly because detainees are frequently moved between removal centres. Detainees also experience difficulties in obtaining evidence from their countries of origin because they have less opportunity to contact their community in the UK.³⁴ Research into the provision of legal advice in detention conducted by ICAR found that detainees are not able to easily keep track of their case because access to phones, post and faxes in detention centres are restricted.³⁵ Furthermore, detainees can be transferred to other IRCs without adequate notice, making it even more problematic for regular contact to be maintained between detainees and lawyers.

The Department for Constitutional Affairs and LSC propose to award exclusive contracts from April 2007 to provide all legal services for immigration detainees. This would include basic advice surgeries, telephone advice, bail hearings and fast-track work. According to BID, these changes will hit detainees particularly hard: it may make it even more difficult for detainees to obtain legal representation and may force detainees to seek the services of costly private law firms.³⁶

Efforts to improve legal advice for detainees have been made, for example in December 2005 the LSC introduced the Detention Duty Advice (DDA) pilot scheme, which offers 30 minute free legal advice sessions in all IRCs to approximately 20 detainees per week. The DDA scheme has been welcomed by NGOs, but concerns still remain that the sessions are not sufficiently fulfilling the ongoing demand for quality legal advice and representation.³⁷

Access to bail

One of the ways in which an asylum seeker may be released from immigration detention is by being granted bail from either the Asylum and Immigration Tribunal (AIT) or the immigration authorities, including in some cases the police. Bail is not often granted by the immigration

³² These issues are addressed in the first IAC thematic briefing on the asylum determination process.

³³ **HM Inspectorate of Prisons** (July 2004) *Inspection report on Dover Immigration Removal Centre*

³⁴ **Bail for Immigration Detainees** (September 2002) *Submission to the United Nations Working Group on Arbitrary Detention: Immigration detention in the United Kingdom*

³⁵ **McDowell, C.** (2006) *Interviews on legal representation for detainees*, The Law Society (unpublished)

³⁶ **Bail for Immigration Detainees** (October 2006) *Response to the LSC consultation on legal aid changes*

³⁷ **Bail for Immigration Detainees** (2006) *Memorandum to the Joint Committee on Human Rights - Uncorrected evidence on the treatment of asylum seekers*

authorities, partly because they require substantial amounts from sureties (£2,000-£5,000), which in most cases an asylum seeker is unlikely to be able to provide, especially when they are detained on or shortly after arrival. This has led to more detainees requesting bail from the AIT instead.³⁸

Unlike criminal cases, immigration detainees do not have a right to a bail hearing. Legislation providing automatic bail hearings to all immigration detainees was passed in 1999, but was repealed in the 2002 Nationality, Immigration and Asylum Act. The Home Office claimed that the concept of bail for all was 'inconsistent with the need to streamline the removals process and would be unworkable in practice with the continuing expansion of the detention estates.'³⁹ Advocacy groups have argued that logistical or financial constraints are inadequate justification for the denial of the right to bail.⁴⁰

The use of public funding for bail applications is subject to a merits test, which requires the legal firm to assess the chances of success to be greater than 50%. According to BID, the merits test is being wrongly applied and detainees are not being advised of their right to review a negative decision for public funding.⁴¹ Furthermore, it has been documented that in some cases detained asylum seekers are resorting to representing themselves in bail applications.⁴²

Detained fast-track system

Increasingly detention is being used to fast-track cases that the Home Office decides are straightforward and capable of being decided quickly. The Home Office believes the fast-track process will significantly reduce the number of asylum seekers with unfounded claims and improve rates of removal.⁴³

The fast-track process is currently in operation at the Oakington, Harmondsworth and Yarl's Wood removal centres. Oakington has been in operation since 2000 and was the first of the three centres to introduce the fast-track process. Many of the cases at Oakington are applications which may be certified as clearly unfounded (including those from nationals of countries designated by the Home Office as generally safe for return). The claim is considered on its merits but if refused and certified as clearly unfounded, the applicant's right of appeal has to be exercised from outside the UK. These are known as potential 'non-suspensive appeal' (NSA) cases.⁴⁴

The fast-track system at Harmondsworth and Yarl's Wood is a key aspect of the Home Office's New Asylum Model⁴⁵ which planned to process up to 30% of new asylum cases in this way by 2005.⁴⁶ Harmondsworth detains single men in the fast-track process, while Yarl's Wood deals only with female cases. The fast-track process in these two IRCs has been referred to as the

³⁸ **Joint Council for the Welfare of Immigrants** (2006) *Immigration, nationality and refugee law handbook*

³⁹ **Home Office** (February 2002) *Secure Borders, save haven: Integration with diversity in modern Britain*

⁴⁰ **Bail for Immigration Detainees** (September 2002) *Submission to the United Nations Working Group on Arbitrary Detention: Immigration detention in the United Kingdom*

⁴¹ **Bail for Immigration Detainees** (2006) *Memorandum to the Joint Committee on Human Rights - Uncorrected evidence on the treatment of asylum seekers*

⁴² **Bail for Immigration Detainees and Asylum Aid** (April 2005) *Justice denied, asylum and immigration legal aid: A system in crisis*

⁴³ **Home Office** (June 2006) *Response to a request under the Freedom of Information Act - Detained fast track process at Harmondsworth and Yarl's Wood*

⁴⁴ **Joint Council for the Welfare of Immigrants** (2006) *Immigration, nationality and refugee law handbook*

⁴⁵ For more information on the New Asylum Model refer to the first IAC thematic briefing on the asylum determination process.

⁴⁶ **Home Office** (February 2005) *Controlling our borders: Making migration work for Britain*

'super fast-track', due to the short timescales whereby an applicant is interviewed on the second day of detention, served a decision on the third day and is given two days to appeal.⁴⁷ HM Inspectorate of Prisons has criticised the short timescale stating that the seven day speed for processing detainees is inappropriate for full consideration of complex cases.⁴⁸ Furthermore, a study into the detained fast-track process concluded that asylum seekers are being set up to fail because the system is too fast to give them a fair chance (99% of cases are refused), more than half of detainees at appeal stage are left without legal representation and are unable to apply for bail so remain detained for long periods.⁴⁹ The Home Office believes that asylum seekers in the fast-track process are more likely to have weaker claims, hence the high refusal rates.⁵⁰

The success rate for fast-track appeals determined at Harmondsworth and Yarl's Wood is only 3% and 1% respectively, whereas for those having their appeals heard outside of the fast-track system the success rate ranges from 14% to 28%. Organisations believe that this discrepancy is directly related to the speed of the fast-track process and the difficulties this causes in terms of preparation of cases and accessing adequate legal representation.⁵¹

In April 2005 an Operational Instruction for the detained fast-track process was introduced by the Home Office to define the circumstances in which flexibility should be introduced to the timescales.⁵² The instruction states that applicants should be removed from the detained fast-track process if the time allowed is not sufficient to decide the case fairly. The operational instruction sets out a number of factors that should prompt the Home Office to take someone out of the fast-track process or extend the timescale. For example, in cases where a detainee is ill; when a case is deemed more complex than originally thought (for example alleged torture victims); in the event of non-attendance or late attendance of a representative; or in cases where no competent interpreter is available during the asylum interview. In spite of this policy, research conducted on the fast-track process in Harmondsworth found that a several detainees who were alleged torture victims had been processed in the accelerated system.⁵³

Advocacy organisations have seriously criticised the practice of processing asylum claims at such speed and are concerned that asylum seekers are hindered from accessing adequate legal representation and funding. Critics of the system have called on the government to establish a maximum period and automatic independent review of detention for those held in the detained fast-track process.⁵⁴

Conditions in detention

Conditions in detention vary considerably between centres; however recurring concerns raised by both advocacy groups and HM Inspectorate of Prisons include a lack of recreational activities, overcrowded accommodation, mistreatment by centre staff, long periods kept in cells, lack of privacy, visiting restrictions, limits on making and receiving calls, an absence of 24-hour

⁴⁷ **Bail for Immigration Detainees** (October 2006) *Briefing on detained fast tracking of asylum claims*

⁴⁸ **HM Inspectorate of Prisons** (April 2003) *Introduction & summary of findings: Inspection of five Immigration Service custodial establishments*

⁴⁹ **Bail for Immigration Detainees** (July 2006) *Working against the clock: inadequacy and injustice in the immigration fast track system*

⁵⁰ **Home Office** (February 2005) *Controlling our borders: Making migration work for Britain*

⁵¹ **Bail for Immigration Detainees** (October 2006) *Response to the LSC consultation on legal aid changes*

⁵² **Home Office** (April 2005) *Detained fast-track processes - Operational Instruction*

⁵³ **Bail for Immigration Detainees** (July 2006) *Working against the clock: inadequacy and injustice in the immigration fast track system*

⁵⁴ *Ibid.*

medical provision and no facilities to deal with serious illnesses.⁵⁵ Other concerns include the insufficient provision of interpreting services which results in detainees having to interpret for one another and thereby breaching confidentiality and affecting the credibility of the system. The need for ensuring that an independent monitoring board is allowed regular access to detention centres has also been identified.⁵⁶

The difficult conditions associated in immigration detention have led rise to a number of incidents and disturbances over the years including riots, hunger strikes and arson attacks, such as the major fire at Yarl's Wood in 2002, where due to lack of proper records there is no knowledge of how many detainees absconded during the fire or even if any were killed.⁵⁷ The most recent incident occurred in Campsfield IRC, when on 14 March 2007, seven staff and two detainees were injured in a fire after a riot broke out that was reported to have started after attempts were made to remove an Algerian man.⁵⁸

Allegations of detainees being assaulted by immigration staff have been reported by NGOs and in the media.⁵⁹ In 2004 the Medical Foundation examined 14 cases of alleged abuse by staff; in 12 of the cases gratuitous or excessive force was used and at least four of the detainees in the study were found to have been tortured in their countries of origin.⁶⁰

Health and welfare

Home Office operational guidelines state that detention is considered unsuitable, unless there are exceptional circumstances, for example those 'suffering from serious medical conditions or the mentally ill.'⁶¹ A report by Médecins Sans Frontières found that IRCs lacked a systematic process of identifying and ensuring the release of detainees suffering from serious medical conditions or the mentally ill, in accordance with the guidelines issued.⁶²

Reports by advocacy groups working with detainees claim that mental health services are rarely of good quality. Referrals to specialist mental health services are limited and inconsistent; leading to problems going unaddressed despite evidence that many refugees are distressed.⁶³ A report by HM Inspectorate of Prisons in 2002 on Harmondsworth IRC found in spite of an average of one self-harm incident a week, suicide, self-harm and anti-bullying procedures were not effectively managed. There was neither sufficient mental health support for detainees held in the inpatient ward.⁶⁴

⁵⁵ Silove, D., Steel, Z. and Mollica, R. (May 2001) 'Detention of asylum seekers: assault on health, human rights, and social development', *The Lancet*, vol. 357, pp. 1436-37

⁵⁶ BBC (5 April 2006) *Immigration cells 'like kennels'*

⁵⁷ Resource Stewardship Select Committee (2002) *Special report on Yarl's Wood Detention Centre*. Bedford: Bedfordshire County Council

⁵⁸ BBC (14 March 2007) *Nine hurt in asylum centre riot*

⁵⁹ BBC (4 October 2006) *Detained immigrants 'are abused'*

⁶⁰ Medical Foundation for the Care of Victims of Torture (2004) *Harm on removal: Excessive force against failed asylum seekers*

⁶¹ Home Office (2006) *Operational Enforcement Manual, Chapter 38 - Detention and temporary release*

⁶² Médecins Sans Frontières (November 2004) *The health and medical needs of immigration detainees in the UK: MSF's experiences*. Published as an annex in BID (May 2005) *Fit to be detained? Challenging the detention of asylum seekers and migrants with mental health needs*

⁶³ Pourgourides, C. (2002) *A second exile: The mental impact of detention on asylum seekers in the UK*

⁶⁴ HM Inspectorate of Prisons (September 2002) *An Inspection of Harmondsworth Immigration Removal Centre*

The lack of accountability in relation to privately sub-contracted medical companies operating in detention centres has also been raised as a major concern by several commentators.⁶⁵ Examples have been documented where detainees have not received adequate medical care for ongoing illnesses or have not been able to express themselves properly due to the insufficient provision of interpreters.⁶⁶

The manner in which detainees with mental health problems are handled has been strongly criticised. For example medical emergencies or suicide attempts do not necessarily lead to release; instead they may lead to a detainee being transferred to a high security prison.⁶⁷ Furthermore, deaths in immigration detention do not have to be reported to any outside agency. Advocacy groups are concerned relatives of detainees may not receive adequate support and that deaths in immigration detention may not be brought to the attention of the Prisons Ombudsman or coroner.⁶⁸

Since 2000, ten immigration detainees have committed suicide and every other day a detainee makes an attempt at self-harm, serious enough to require medical treatment. From April 2006 to January 2007 there were 176 self-harm incidents that required medical treatment and 1,643 detainees were deemed at risk of self-harm. Campaign groups believe the actual numbers of self-harm incidents to be higher than reported.⁶⁹

Detention of children and families

In the 1990s it was very rare for families to be detained and usually only pending removal. However the 2002 White Paper introduced a change in policy to detain families on the same general detention criteria as other immigration cases. The government has stated that family detention is a regrettable but necessary part of maintaining effective immigration control, and that it is used sparingly and for as short a time as possible.⁷⁰ Organisations working with detained families argue that there is a gap between policy and practice, for example cases where families are held in detention for prolonged periods.⁷¹ In a report on Dungavel removal centre the Chief Inspector of Prisons criticised the detention of children in the centre for long periods stating that welfare provisions were inadequate.⁷²

Children can be made subject to detention through one or both of their parents. They may also be affected by the detention of one of their parents, in cases where a family is split up. Visiting detained family members is made even more difficult by the fact that a higher proportion of dispersal operates in the north of the UK and the majority of IRCs are located in the south.⁷³

⁶⁵ **Bacon, C.** (September 2005) *The evolution of immigration detention in the UK: The involvement of private prison companies*, Refugee Studies Centre Working Paper no. 27

⁶⁶ **Bail for Immigration Detainees** (May 2005) *Fit to be detained? Challenging the detention of asylum seekers and migrants with mental health needs*

⁶⁷ **Weber, L.** (July 2003) 'Down that wrong road: Discretion in decisions to detain Asylum seekers arriving at UK ports' *Howard Journal of Criminal Justice*, vol. 42, no.3, pp. 248-262

⁶⁸ **Bail for Immigration Detainees** (2005) *Self-inflicted deaths of asylum-seekers and migrants detained under Immigration Act powers in the United Kingdom*

⁶⁹ **NCADC** (February 2007) *Self-harm in Immigration Removal Centres*

⁷⁰ **Home Office** (February 2002) *Secure borders, save haven: Integration with diversity in modern Britain*

⁷¹ **Amnesty International** (June 2005) *Seeking asylum is not a crime: detention of people who have sought asylum*

⁷² **HM Inspectorate of Prisons** (December 2004) *Report on an unannounced inspection on Dungavel Immigration Removal Centre*

⁷³ **ILPA and Bail for Immigration Detainees** (October 2003) *Challenging immigration detention: a best practice guide*

The Home Office believes the detention of families is essential in order to reduce the risk of people absconding. However research has found that families are more likely to stay in contact with the Home Office and adhere to immigration reporting conditions because they need access to services such as healthcare and education for their children.⁷⁴

At present, three IRCs accommodate families (Oakington, Yarl's Wood and Dungavel) and latest available figures for November 2006 show that 138 families were being detained.⁷⁵ The Home Office does not produce statistics on where minors are detained, their nationalities nor on the number of age disputed cases.⁷⁶ However, it is clear from recent policy developments outlined above that the use of detention for children within asylum seeking families is increasing; with an estimated 2000 children held in immigration detention in 2005.⁷⁷

Children's organisations are concerned that the impact of detention on children is detrimental to their health and education.⁷⁸ Furthermore, a critical lack of effective child protection systems in IRCs and an absence of independent assessments about welfare and development needs of detained children have been highlighted in a recent Joint Chief Inspectors report on safeguarding children.⁷⁹

The Immigration Service's Operational Enforcement Manual (OEM) specifies that unaccompanied minors must be detained only in the most exceptional circumstances and at most overnight. However, problems arise when the given age of a detainee is disputed by the Home Office. According to the OEM, where an applicant claims to be a minor but their appearance strongly suggests that they are over 18, the applicant is treated as an adult until such time as credible documentary or medical evidence is produced which demonstrates that they are the age claimed.⁸⁰ NGOs have expressed concern that this policy can result in lengthy periods of detention while documentary evidence is obtained and considered.⁸¹ Due to litigation in February 2006, the Home Office has now become more cautious about detaining age-disputed asylum seeking children, and they now are assumed to be children and are not put through the fast-track system.⁸²

Women in detention

The detention of pregnant women is one of the main concerns for refugee women's advocacy groups. A recent report highlighting their plight draws attention to the fact that access to adequate nutrition and medical care is limited for pregnant women in detention, which may be damaging for their physical and mental health. The report calls on the government to stop the prolonged use of detention for pregnant women and mothers with young children and consider

⁷⁴ Cole, E. (April 2003) *A few families too many; The detention of asylum seeking families in the UK*, Bail for Immigration Detainees

⁷⁵ NCADC (November 2006) *Request under the Freedom of Information Act on families in Immigration Detention*

⁷⁶ Home Office (February 2007) *Asylum statistics: 4th Quarter 2006*, United Kingdom

⁷⁷ Crawley, H. and Lester, T. (2005) *No place for a child - Children in UK immigration detention: Impacts, alternatives and safeguards, Save the Children UK*

⁷⁸ Ibid

⁷⁹ Joint Chief Inspectors (2005) *Safeguarding children: The second Joint Inspectors' report on arrangements to safeguard children*

⁸⁰ Home Office (2006) *Operational Enforcement Manual, Chapter 38 - Detention and temporary release*

⁸¹ Crawley, H. and Lester, T. (2005) *No place for a child - Children in UK immigration detention: Impacts, alternatives and safeguards, Save the Children UK*

⁸² Joint Committee on Human Rights (20 November 2006) *Uncorrected evidence on the treatment of asylum seekers*

more suitable alternatives, such as regular reporting.⁸³

UNHCR guidelines state that as a general rule the detention of pregnant women in their final months and nursing mothers, both of whom have special needs, should be avoided.⁸⁴ In addition the Home Office's operational enforcement manual states that only in very 'exceptional circumstances' should pregnant women be detained.⁸⁵ Despite these instructions, organisations are aware of and have recorded instances where pregnant asylum seekers are detained, sometimes for many months.⁸⁶

The New Asylum Model (NAM) Quality Team recently undertook an evaluation relating to the compliance of the Asylum Policy Instruction (API) on gender at Yarl's Wood IRC. This consisted of examining all cases passing through the female detained fast-track system at Yarl's Wood during February 2006. The main recommendations included the need for a more robust referral mechanism for female cases, which considers the basis of an asylum claim prior to deciding whether it is suitable for a quick decision and improved training for caseowners on gender issues in the asylum process, including obligations under the Gender API.⁸⁷ APIs are guides to the Government's policy on asylum and are used on a daily basis by caseowners in the Home Office to provide guidance on all aspects of asylum policy.⁸⁸

In spite of the NAM evaluation at Yarl's Wood, organisations remain concerned about the treatment of women in the detained fast-track process. BID, an organisation that campaigns to increase immigration detainees access to bail procedures, is concerned with the quality and accessibility of legal representation provided for these women and it has documented cases where detained women in the fast-track process have not had sufficient time to prepare their case and were not able to disclose information about rape and sexual violence in time for it to be considered. Figures show that between May 2005, when the fast-track centre began to process female asylum seekers, up to the start of September 2006, of the 345 cases heard at the Yarl's Wood Asylum and Immigration Tribunal, 26% of the women did not have any legal representation at their appeal.⁸⁹ It is unclear whether this figure is due to the women being unable to access legal representation or failing the initial merits to qualify for legal representation in the first place.

Other vulnerable groups

The detention of asylum seekers who may have been victims of torture is an additional category of people the Home Office states should only be detained in exceptional circumstances.⁹⁰ However, research has shown that victims of torture are detained even in cases where the Home Office has prior information obtained during an asylum interview of an applicant's past torture.⁹¹ Critics believe that instead of providing special care for torture

⁸³ McLeish, J., Cutler, S. and Stancer, C. (2002) *A crying shame: Pregnant asylum seekers and their babies in detention*. London: Maternity Alliance, Bail for Immigration Detainees & London Detainee Support Group.

⁸⁴ UNHCR (February 1999) *Revised guidelines on applicable criteria and standards relating to the detention of asylum seekers*. Geneva: UNHCR

⁸⁵ Home Office (2006) *Operational Enforcement Manual, Chapter 38 - Detention and temporary release*

⁸⁶ McLeish, J., Cutler, S. and Stancer, C. (2002) *A crying shame: Pregnant asylum seekers and their babies in detention*. London: Maternity Alliance, Bail for Immigration Detainees & London Detainee Support Group.

⁸⁷ NAM Quality Team (August 2006) *Yarl's Wood detained fast-track compliance with the Gender API*

⁸⁸ <http://www.ind.homeoffice.gov.uk/documents/asylumpolicyinstructions>

⁸⁹ Bail for Immigration Detainees (2006) *Memorandum to the Joint Committee on Human Rights - Uncorrected evidence on the treatment of asylum seekers*

⁹⁰ Home Office (2006) *Operational Enforcement Manual, Chapter 38 - Detention and temporary release*

⁹¹ Bail for Immigration Detainees (May 2005) *Fit to be detained? Challenging the detention of asylum seekers and migrants with mental health needs*

victims, the Home Office may be subjecting them to the very conditions that are likely to hinder recovery.⁹² In addition there is concern that the practice of detention discourages applications from asylum seekers who have experienced torture in their own countries and that the experience of being detained in the UK forces them to relive a painful past.⁹³

Advocacy groups claim that there appear to be failures in the system of identifying torture victims in the detention population. Research into detainees with mental health needs revealed that in some IRCs initial health assessments do not always include a question on torture. The report concluded that if notification and referral of individuals who disclose torture by medical staff is not done, it is unclear how immigration staff acquire the independent evidence needed to ensure torture victims are not detained, in accordance with Home Office guidelines.⁹⁴

Notably there is a dearth of research or commentary on the detention of other vulnerable asylum seekers including the elderly, disabled and lesbian, gay, bisexual and transgendered (LGBT) asylum seekers. The Operational Enforcement Manual states the elderly, especially where supervision is required, and people with serious disabilities are not normally considered suitable for detention. Organisations have observed that there is no guidance on what age is elderly or what amounts to a serious disability.⁹⁵ Research carried out by ICAR has found that organisations experience difficulties identifying and responding to the specific needs of lesbians and gay detainees because they are reluctant to disclose their sexuality whilst in immigration detention. Furthermore, it was stated that IRCs need to be issued with guidelines about LGBT clients and be made aware of potential instances of homophobia, for example in situations where detainees are accommodated together with other detainees from the same country.⁹⁶

Inspection and accountability

HM Chief Inspector of Prisons has a duty under the 1999 Act to investigate and publish reports on immigration removal centres in the UK. This remit was extended as part of the Immigration, Asylum and Nationality Act 2006 to include a statutory requirement to investigate all short-term holding facilities and escort arrangements. The inspectorate uses four key criteria to establish the extent to which a detention centre is a healthy and safe environment. Criteria for inspection include whether detainees are safe; treated with respect; engaged in constructive activity; able to maintain contact with the outside world; and prepare for their release, transfer or removal.⁹⁷

Detention Centre Rules were established in 2001 to provide a further mechanism of accountability and to ensure conditions are consistent between centres. The rules provide comprehensive procedures for the treatment of those in detention, including standards for conditions within IRCs and provision of reasons of detention for detainees. Under the (non-statutory) rules, an Independent Monitoring Board (IMB) has been formed in each IRC. The board, consisting of members of the public who visit centres on a weekly basis, has a duty to provide annual reports to the Home Office. Detainees are encouraged to make requests or complaints to members of the board, either in person or by posting a request in the IMB post

⁹² Silove, D., Steel, Z. and Mollica, R. (May 2001) 'Detention of asylum seekers: assault on health, human rights, and social development', *The Lancet*, vol. 357, pp. 1436-37

⁹³ Immigration Advisory Service (March 2007) *IAS evidence to the Independent Asylum Commission*

⁹⁴ Bail for Immigration Detainees (May 2005) *Fit to be detained? Challenging the detention of asylum seekers and migrants with mental health needs*

⁹⁵ ILPA and Bail for Immigration Detainees (October 2003) *Challenging immigration detention: a best practice guide*

⁹⁶ ICAR (2006) *Interviews with Outrage and UKLIG for the Researching Asylum in London (RAL) project*

⁹⁷ Joint Council for the Welfare of Immigrants (2006) *Immigration, nationality and refugee Law handbook*

boxes.⁹⁸ In addition to the detention centre rules, an operating standards manual was recently published by the Home Office to provide a means of raising standards and achieving a level of consistency across the removal estate. The manual has been made publicly available with the aim of making the operations of IRCs more transparent.⁹⁹

The Inspectorate publishes regular reports on announced and unannounced visits to all detention facilities in accordance with the criteria outlined above. The following key points have been raised as a result of inspections:

Campsfield

In its 2004 report, the Inspectorate concluded that improvements had been made in staff-detainee relationships and the supervision of detainees. However concerns remained about lapses in monitoring of the segregation units and of detainees on suicide watch. Inadequate legal advice, welfare support and purposeful activities for detainees were also cited as needing improvement.¹⁰⁰

Colnbrook

The centre was last inspected in 2005 and received a comparatively good report. The Inspectorate found Colnbrook to be a generally safe and respectful environment, and innovative in some of its responses to the needs of detainees, notably internet access, telephones in rooms and voluntary work opportunities. Safety policies and procedures were largely sound; self-harm and suicide prevention work was reasonable, anti-bullying procedures were adequate, and health and safety procedures were reported to be some of the best found in an IRC.¹⁰¹ In spite of these positive comments, this centre had the highest number of incidents of self-harm in 2006.¹⁰²

Dover

Dover IRC is run by the Prison Service and the Inspectorate was disappointed that staff had retained their prison uniforms and routinely carried staves. Problems of cleanliness, quality of catering and lack of communal dining facilities were also raised as points of concern. Improvements had been made relating to the use of mobile telephones for detainees and better monitoring of the segregation unit.¹⁰³

Dungavel

Dungavel is one of the three IRCs to accommodate children. In the most recent report of the centre in 2004, the Inspectorate was disappointed that no progress had been made in relation to establishing independent assessments of the welfare and developmental needs of the children and the implementation of child protection measures. Similarly to other IRCs, access to competent independent legal advice, welfare support, and the provision of activities were deemed substandard.¹⁰⁴

⁹⁸ Ireland, H. (ed.) (2006) *Immigration detention: A handbook for visitors*, 6th revised edition, AVID

⁹⁹ Home Office (2006) *Operating standards manual for Immigration Service Removal Centres*

¹⁰⁰ HM Inspectorate of Prisons (August 2004) *Report on an unannounced inspection of Campsfield House Immigration Removal Centre*

¹⁰¹ HM Inspectorate of Prisons (September 2005) *Report of a full announced inspection of Colnbrook Immigration Removal Centre*

¹⁰² NCADC (February 2007) *Self-harm in Immigration Removal Centres*

¹⁰³ HM Inspectorate of Prisons (July 2005) *Report on an unannounced follow-up inspection of Dover IRC*

¹⁰⁴ HM Inspectorate of Prisons (December 2004) *Report on an unannounced inspection of Dungavel House Immigration Removal Centre*

Harmondsworth

This centre was last inspected in July 2006 and received the poorest report on a removal centre to date. Detainees said they feared the bullying, aggressive, intimidating and unhelpful staff and 60% of detainees said they felt unsafe - this is much higher compared to other centres. Detainees' movements were strictly controlled and they were unable to keep basic possessions, such as tins, jars, leads for audio equipment and nail clippers. The use of segregation units was high, sometimes as a response to poor behaviour rather than for reasons of security or safety as specified in the Detention Centre Rules.¹⁰⁵

Haslar

In 2005 the Inspectorate reported that Haslar was delivering a largely safe and respectful service to detainees. However the building is in severe need of refurbishment and without major investment it will never offer the standard of accommodation that is appropriate to house immigration detainees. It was recommended that more flexibility should be introduced to visiting times, for example allowing evening visits, as family ties were being unnecessarily inhibited.¹⁰⁶

Lindholme

The centre was last inspected in 2006 and had made significant improvements since its last inspection. The report concluded that Lindholme was fundamentally safe and detainees are respected. However it was criticised for being too closely linked to the neighbouring prison, for example prison staff carrying weapons. Access to the outside world was deemed poor, especially the high cost of phone calls and lack of access to email, the internet or mobile phones.¹⁰⁷

Oakington

In 2006 the Inspectorate found Oakington to be reasonably safe, with essentially sound staff-detainee relationships. However inspectors were disappointed to find that several recommendations on suicide and self-harm had not been implemented, and anti-bullying procedures were weak; there continued to be insufficient attention to basic race relations structures, such as ethnic monitoring procedures, in spite of previous recommendations and the report of the Prisons and Probation Ombudsman; and the provision of activity and welfare support remained inadequate.¹⁰⁸

Tinsley House

The centre was last inspected in 2004 and was deemed generally safe, however it was criticised for not ensuring professional and appropriate care for detained children; including independent social service assessments of needs and risks. There was no on-site child protection officer or child protection committee and criminal record checks on staff were not adequate. In addition, not enough was being done to prepare detainees for transfer, removal or release.¹⁰⁹

¹⁰⁵ HM Inspectorate of Prisons (July 2006) *Report on an announced inspection of Harmondsworth Immigration Removal Centre*

¹⁰⁶ HM Inspectorate of Prisons (May 2005) *Report on an announced inspection of Haslar Immigration Removal Centre*

¹⁰⁷ HM Inspectorate of Prisons (January 2006) *Report on an announced inspection of Lindholme Immigration Removal Centre*

¹⁰⁸ HM Inspectorate of Prisons (June 2006) *Report on a short follow-up inspection of Oakington Reception Centre*

¹⁰⁹ HM Inspectorate of Prisons (November 2004) *Report on an announced inspection of Tinsley House Immigration Removal Centre*

Yarl's Wood

Yarl's Wood was last inspected in an unannounced visit in February 2006. The inspectors raised most concern about the detention of children. The centre held 32 children at the time of the inspection, seven of whom had been detained for more than 28 days. Key concerns included: there was no evidence that children's welfare was taken into account when making decisions about detention; a social worker had been appointed to make independent assessments of children's welfare, though later resigned; and there were weaknesses in child protection arrangements. In relation to adult detainees, inspectors noted that staff lacked sufficient guidance in managing suicide and self-harm; it was even more difficult for detainees to get information about their cases; and removals were being carried out without sufficient warning.¹¹⁰

Alternatives to detention

The UN Working Group on Arbitrary Detention recommends that in deciding to detain asylum seekers, non-custodial alternatives, for example reporting requirements and residence restrictions, should always be considered first.¹¹¹ The UN Special Rapporteur's report on the detention of migrants identifies a variety of alternatives to detention including release on bail, home detention, semi-liberty, payment of a certain sum as guarantee, police supervision, ban on leaving the country, obligation to reside at a given address with periodic reporting to the authorities and withdrawal of passports.¹¹²

In the UK, existing alternatives to immigration detention include temporary admission, bail, reporting requirements, electronic tagging and residence restrictions.¹¹³ A study into the risk of detainees absconding, found that 90% of released detainees (i.e. who had originally been considered high risk absconders by the Home Office) complied with terms of bail and therefore, according to the researchers, were unnecessarily detained.¹¹⁴ In a recent UNHCR report on alternatives to detention, it was noted that proper evaluation is required to determine whether other reception arrangements, such as dispersal, reporting requirements, accommodation centres and biometric identity cards, will be effective enough at monitoring asylum seeker's whereabouts to allow for a reduction in the use of immigration detention facilities.¹¹⁵

¹¹⁰ **HM Inspectorate of Prisons** (February 2006) *Report on an unannounced short follow up inspection of Yarl's Wood Immigration Removal Centre*

¹¹¹ **United Nations Working Group on Arbitrary Detention** (1998) *Country report to United Kingdom*

¹¹² **United Nations Commission on Human Rights** (30 December 2002) *Report of the Special Rapporteur on specific groups and individuals: migrant workers*. Geneva: United Nations Economic and Social Council

¹¹³ **Bercow, J., Harris, E. and Lord Dubs** (July 2006) *Alternatives to immigration detention of families and children*, A discussion paper for the All Party Parliamentary Groups on Children and Refugees, Supported by the No Place for a Child Coalition

¹¹⁴ **Bruegel, I. and Natamba, E.** (June 2002) *Maintaining contact: What happens after detained asylum-seekers get bail?* Social Centre Science Research Papers, No 16, South Bank University

¹¹⁵ **Field, O.** (April 2006) *Alternatives to detention of asylum seekers and refugees*, UNHCR Legal and Protection Policy Research series

Bibliography

Amnesty International (June 2005) *Seeking asylum is not a crime: detention of people who have sought asylum*

<http://web.amnesty.org/library/index/engneur450152005>

Bacon, C. (September 2005) *The evolution of immigration detention in the UK: The involvement of private prison companies*, Refugee Studies Centre Working Paper no. 27

<http://www.rsc.ox.ac.uk/PDFs/RSCworkingpaper27.pdf>

Bail for Immigration Detainees (September 2002) *Submission to the United Nations Working Group on Arbitrary Detention: Immigration detention in the United Kingdom*

http://www.biduk.org/pdf/res_reports/bid_submission_unwgad.pdf

Bail for Immigration Detainees (2005) *Self-inflicted deaths of asylum-seekers and migrants detained under Immigration Act powers in the United Kingdom*

http://www.biduk.org/pdf/detention_policy/BID_briefing_deaths_in_detention_Oct_05.pdf

Bail for Immigration Detainees (May 2005) *Fit to be detained? Challenging the detention of asylum seekers and migrants with mental health needs*

<http://www.biduk.org/pdf/Fit%20to%20be%20detained/FittobedetainedReport.pdf>

Bail for Immigration Detainees (2006) *Memorandum to the Joint Committee on Human Rights - Uncorrected evidence on the treatment of asylum seekers*

<http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/uc60-iii/bid.htm>

Bail for Immigration Detainees (July 06) *Working against the clock: inadequacy and injustice in the immigration fast track system*

<http://www.biduk.org/pdf/Fast%20track/BIDFasttrackReportFINAL.pdf>

Bail for Immigration Detainees (October 2006) *Response to the LSC consultation on legal aid changes*

http://www.biduk.org/pdf/legal%20aid%20changes%202006/BID_LSC_response_12_Oct_06.doc

Bail for Immigration Detainees (October 2006) *Briefing on detained fast tracking of asylum claims*

http://www.biduk.org/pdf/Fast%20track/DFT_information_sheet_18_10_06.doc

Bail for Immigration Detainees and Asylum Aid (April 2005) *Justice denied, asylum and immigration legal aid - a system in crisis*

<http://www.biduk.org/pdf/Justice%20Denied/JusticeDeniedFullReport.pdf>

BBC (5 April 2006) *Immigration cells 'like kennels'*

<http://news.bbc.co.uk/1/hi/uk/4877394.stm>

BBC (4 October 2006) *Detained immigrants 'are abused'*

<http://news.bbc.co.uk/1/hi/uk/5405222.stm>

BBC (14 March 2007) *Nine hurt in asylum centre riot*

<http://news.bbc.co.uk/1/hi/england/oxfordshire/6449069.stm>

Bercow, J., Harris, E. and Lord Dubs (July 2006) *Alternatives to immigration detention of families and children*, A discussion paper for the All Party Parliamentary Groups on Children and Refugees, Supported by the No Place for a Child Coalition
http://www.biduk.org/pdf/res_reports/alternatives_to_detention_july_2006.pdf

Bolton, S. (2006) *The detention of children in member states' migration control and determination processes*, The Medical Foundation for the Care of Victims of Torture

British Medical Journal (February 2006) *Editorial on the detention of refugees*
<http://www.bmj.com/cgi/content/full/332/7536/251>

Bruegel, I. and Natamba, E. (June 2002) *Maintaining contact: What happens after detained asylum-seekers get bail?* Social Centre Science Research Papers, No 16, South Bank University
<http://www.lsbu.ac.uk/php-cgiwrap/fhss/docsys/getpapers.phtml?papersid=96>

Cole, E. (April 2003) *A few families too many: The detention of asylum seeking families in the UK*, Bail for Immigration Detainees
<http://www.asylumrights.net/families.pdf>

Crawley, H. and Lester, T. (2005) *No place for a child - Children in UK immigration detention: Impacts, alternatives and safeguards*, Save the Children UK
http://www.savethechildren.org.uk/scuk_cache/scuk/cache/cmsattach/2414_no_place_for_a_child.pdf

Cutler, S. (June 2002) 'Detention of asylum-seeking children', in *Child Right*, Children's Legal Centre in association with the University of Essex.
http://www.biduk.org/pdf/children/children_in_detention_childright_article_june_02.pdf

Cutler, S. and Ceneda, S. (August 2004) '*They took me away*' – *Women's experiences of immigration detention in the UK*, Bail for Immigration Detainees and Refugee Women's Resource Project
<http://www.asylumaid.org.uk/New%20RWRP/RWRP%20Publications/Women%20in%20detention%20Final%20version%2031Jan05.pdf>

Dell, S. and Salinsky, M. (September 2001) *Protection not prison: torture survivors detained in the UK*, The Medical Foundation for the Care of Victims of Torture.

ECRE and the AIRE Centre (June 2004) *Research paper on immigration, asylum and detention*
http://www.ecre.org/files/detention_June04.pdf

Field, O. (April 2006) *Alternatives to detention of asylum seekers and refugees*, UNHCR Legal and Protection Policy Research series
<http://www.unhcr.org/cgi-bin/txis/vtx/protect/opendoc.pdf?tbl=PROTECTION&id=4474140a2>

Hansard (15 January 2007) *House of Lords, written answers - Immigration fast-track procedure*
<http://www.publications.parliament.uk/pa/ld200607/ldhansrd/text/70115w0003.htm#07011527000368>

Heath, T., Jeffries, R. and Pearce, S. (August 2006) *Asylum statistics United Kingdom 2005*
<http://www.homeoffice.gov.uk/rds/pdfs06/hosb1406.pdf>

HM Inspectorate of Prisons (September 2002) *An Inspection of Harmondsworth Immigration Removal Centre*
http://inspectrates.homeoffice.gov.uk/hmiprison/inspect_reports/irc-inspections.html/ircharmondsworth20021.pdf?view=Binary

HM Inspectorate of Prisons (April 2003) *Introduction & summary of findings: Inspection of five Immigration Service custodial establishments*
http://inspectrates.homeoffice.gov.uk/hmiprison/inspect_reports/irc-inspections.html/5estintsum1.pdf?view=Binary

HM Inspectorate of Prisons (August 2004) *Report on an unannounced inspection of Campsfield House Immigration Removal Centre*
http://inspectrates.homeoffice.gov.uk/hmiprison/inspect_reports/irc-inspections.html/irccampsfieldhouse042.pdf?view=Binary

HM Inspectorate of Prisons (September 2005) *Report of a full announced inspection of Colnbrook Immigration Removal Centre*
http://inspectrates.homeoffice.gov.uk/hmiprison/inspect_reports/irc-inspections.html/colnbrook?view=Binary

HM Inspectorate of Prisons (July 2004) *Inspection report on Dover Immigration Removal Centre*
http://inspectrates.homeoffice.gov.uk/hmiprison/inspect_reports/irc-inspections.html/ircdover042.pdf?view=Binary

HM Inspectorate of Prisons (July 2005) *Report on an unannounced follow-up inspection of Dover IRC*
http://inspectrates.homeoffice.gov.uk/hmiprison/inspect_reports/irc-inspections.html/dover.pdf?view=Binary

HM Inspectorate of Prisons (December 2004) *Report on an unannounced inspection of Dungavel House Immigration Removal Centre*
http://inspectrates.homeoffice.gov.uk/hmiprison/inspect_reports/irc-inspections.html/dungavel_final04.pdf?view=Binary

HM Inspectorate of Prisons (July 2006) *Report on an announced inspection of Harmondsworth Immigration Removal Centre*
http://inspectrates.homeoffice.gov.uk/hmiprison/inspect_reports/irc-inspections.html/Harmondsworth1.pdf?view=Binary

HM Inspectorate of Prisons (May 2005) *Report on an announced inspection of Haslar Immigration Removal Centre*
http://inspectrates.homeoffice.gov.uk/hmiprison/inspect_reports/irc-inspections.html/HASLAR_report.pdf?view=Binary

HM Inspectorate of Prisons (January 2006) *Report on an announced inspection of Lindholme Immigration Removal Centre*
http://inspectrates.homeoffice.gov.uk/hmiprison/inspect_reports/irc-

inspectorates.homeoffice.gov.uk/hmiprison/inspections.html/lindholme.pdf?view=Binary

HM Inspectorate of Prisons (June 2006) *Report on a short follow-up inspection of Oakington Reception Centre*

<http://inspectorates.homeoffice.gov.uk/hmiprison/inspections.html/Oakington.pdf?view=Binary>

HM Inspectorate of Prisons (November 2004) *Report on an announced inspection of Tinsley House Immigration Removal Centre*

http://inspectorates.homeoffice.gov.uk/hmiprison/inspections.html/TINSLEY_HOUSE_final.pdf?view=Binary

HM Inspectorate of Prisons (February 2006) *Report on an unannounced short follow up inspection of Yarl's Wood Immigration Removal Centre*

<http://inspectorates.homeoffice.gov.uk/hmiprison/inspections.html/yarlswood.pdf?view=Binary>

Home Office (July 1998) *Fairer, faster, firmer - A modern approach to immigration and asylum*

<http://www.archive.official-documents.co.uk/document/cm40/4018/4018.htm>

Home Office (February 2002) *Secure borders, save haven: Integration with diversity in modern Britain*

<http://www.archive2.official-documents.co.uk/document/cm53/5387/cm5387.pdf>

Home Office (February 2005) *Controlling our borders: Making migration work for Britain*

<http://www.archive2.official-documents.co.uk/document/cm64/6472/6472.pdf>

Home Office (April 2005) *Detained fast-track processes - Operational Instruction*

<http://www.ind.homeoffice.gov.uk/6353/18383/flexibilitydoc?view=Binary>

Home Office (2006) *Operational Enforcement Manual, Chapter 38 - Detention and temporary release*

<http://www.ind.homeoffice.gov.uk/documents/oemsectiond/chapter38?view=Binary>

Home Office (2006) *Operating standards manual for Immigration Service Removal Centres*

<http://www.ind.homeoffice.gov.uk/6353/6356/operatingstandards.pdf>

Home Office (June 2006) *Response to a request under the Freedom of Information Act - Detained fast track process at Harmondsworth and Yarl's Wood*

<http://www.homeoffice.gov.uk/about-us/freedom-of-information/released-information/foi-archive-immigration/3282-detained-process-yarl'swood?view=Standard>

Home Office (January 2007) *Response to a request under the Freedom of Information Act - Immigration Removal Centres*

<http://www.homeoffice.gov.uk/about-us/freedom-of-information/released-information/foi-archive-immigration/5246-immigration-removal-centres?view=Standard&pubID=440089>

Home Office (February 2007) *New site for immigration centre*

<http://www.ind.homeoffice.gov.uk/aboutus/newsarchive/newsiteforimmigrationcentre>

Home Office (February 2007) *Asylum statistics: 4th Quarter 2006, United Kingdom*

<http://www.homeoffice.gov.uk/rds/pdfs07/asylumq406.pdf>

ILPA and Bail for Immigration Detainees (October 2003) *Challenging immigration detention: a best practice guide*
http://www.biduk.org/pdf/Best%20Practice%20Guide/bpg_challenging_detention.pdf

Immigration Advisory Service (March 2007) *IAS evidence to the Independent Asylum Commission* <http://ias.live.poptech.coop/C2B/PressOffice/Display.asp?ID=358&Type=2>

Ireland, H. (ed.) (2006) *Immigration detention: A handbook for visitors*; 6th revised edition, AVID

Jackson, A. (2003) 'The detention of asylum seekers in the UK: bail for immigration detainees,' *Feminist Review*, vol. 73, no.1, pp. 118-122

Joint Chief Inspectors (2005) *Safeguarding children: The second Joint Inspectors' report on arrangements to safeguard children*
http://www.hmica.gov.uk/files/safeguards_fullprint.pdf

Joint Committee on Human Rights (20 November 2006) *Uncorrected evidence on the treatment of asylum seekers*
<http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/uc60-i/uc6002.htm>

Joint Council for the Welfare of Immigrants (2006) *Immigration, nationality and refugee Law handbook*

London Development Centre and Social Perspectives Network (2006) *Meeting the mental health needs of refugees, asylum seekers and immigration detainees*
http://www.spn.org.uk/fileadmin/SPN_uploads/Documents/Papers/SPN_Papers/spnpaper10.pdf

Malloch, M. and Stanley, E. (2005) 'The detention of asylum seekers in the UK: Representing risk, managing the dangerous', *Punishment and Society*, vol. 7, pp. 53-71

Malmberg, M. (January 2004) *Control and deterrence: Discourses of detention of asylum-seekers*, Sussex Centre for Migration Research Sussex migration working paper no. 20
<http://www.sussex.ac.uk/migration/documents/mwp20.pdf>

McLeish, J., Cutler, S. and Stancer, C. (2002) *A crying shame: Pregnant asylum seekers and their babies in detention*, Maternity Alliance, Bail for Immigration Detainees & London Detainee Support Group.
<http://www.asylumrights.net/acryingshame.pdf>

Medical Foundation for the Care of Victims of Torture (2004) *Harm on removal: Excessive force against failed asylum seekers*

NAM Quality Team (August 2006) *Yarl's Wood detained fast-track compliance with the Gender API*

NCADC (November 2006) *Request under the Freedom of Information Act on families in Immigration Detention*
<http://www.indymedia.org.uk/en/2007/01/360244.html>

NCADC (February 2007) *Self-harm in Immigration Removal Centres*
<http://www.ncadc.org.uk/resources/self-harm2006.html>

Physicians for Human Rights and the Bellevue/NYU Program for Survivors of Torture (June 2003) *From persecution to prison: The health consequences of detention for asylum seekers*, <http://physiciansforhumanrights.org/library/documents/reports/report-perstoprison-2003.pdf>

Pourgourides, C. (2002) *A second exile: The mental impact of detention on asylum seekers in the UK*

Refugee Council (November 2003) *Policy paper: Children in detention*
http://www.refugeecouncil.org.uk/policy/position/2003/Children_detention.htm

Resource Stewardship Select Committee (2002) *Special report on Yar's Wood Detention Centre*. Bedford: Bedfordshire County Council

Select Committee on Home Affairs (April 2003) *Asylum removals: Fourth report of session 2002-03*
<http://www.parliament.the-stationery-office.co.uk/pa/cm200203/cmselect/cmhaff/654/65406.htm>

Silove, D., Steel, Z. and Mollica, R. (May 2001) 'Detention of asylum seekers: assault on health, human rights, and social development', *The Lancet*, vol. 357, pp. 1436-37

Weber, L. and Gelsthorpe, L. (2000) *Deciding to detain: How decisions to detain asylum seekers are made at ports of entry*, University of Cambridge: Institute of Criminology

Weber, L. and Landman, T. (2002) *Deciding to Detain: The organisational context for decisions to detain asylum seekers at UK ports*, University of Essex Human Rights Centre

Welch, M. and Schuster, L. (2005) 'Detention of asylum seekers in the US, UK, France, Germany, and Italy: A critical view of the globalizing culture of control', *Criminology and Criminal Justice*, vol.5, p.331-355

Weber, L. (July 2003) 'Down that wrong road: Discretion in decisions to detain asylum seekers arriving at UK ports' *Howard Journal of Criminal Justice*, vol. 42, no.3, pp. 248-262

UNHCR (February 1999) *Revised guidelines on applicable criteria and standards relating to the detention of asylum seekers*. Geneva: UNHCR
<http://www.unhcr.org.au/pdfs/detentionguidelines.pdf>

United Nations Commission on Human Rights (30 December 2002) *Report of the Special Rapporteur on specific groups and individuals: migrant workers*. Geneva: United Nations Economic and Social Council
[http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/3ff50c339f54a354c1256cde004bfbd8/\\$FILE/G0216255.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/3ff50c339f54a354c1256cde004bfbd8/$FILE/G0216255.pdf)

United Nations Working Group on Arbitrary Detention (1998) *Country report to United Kingdom* <http://www.ohchr.org/english/issues/detention/visits.htm>