



Annual Report
of the
Independent Monitoring Board
at
**Port of Dover Short Term Holding
Facility**

for reporting Year

2017

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Monitoring fairness and respect for people in custody

1 STATUTORY ROLE OF THE IMB

1.1 The Prison Act and the Immigration and Asylum Act 1999 require every prison and immigration removal centre (IRC) to be monitored by an independent board appointed by the Secretary of State from members of the community in which the prison or centre is situated.

1.2. The Boards are specifically charged to satisfy themselves as to the humane and just treatment of those detained; to inform promptly the Secretary of State, or any official to whom he has delegated authority as they judge appropriate, of any concerns they have; and to report annually to the Secretary of State on how far the Prison, Immigration Removal Centre or Short Term Holding Facility (STHF) has met the standards and requirements placed on it.

1.3 At present Boards at STHFs have been appointed by the Immigration Minister to operate on a non-statutory basis. The general principles of independent monitoring established for prisons and IRCs are applied. Statutory rules for STHFs have been under consideration for many years but are still awaited. Draft rules were circulated for consultation in February 2016. Early in 2017 Boards were assured the statutory rules would be published in the Autumn of 2017 but at the time writing nothing further has happened.

1.4 IMBs form part of the UK's National Preventive Mechanism, established in compliance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

1.5 To enable the Board to carry out these duties effectively its members have the right of unannounced access to detainees, the holding room, and also to the STHF's records.

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3 DESCRIPTION OF THE SHORT TERM HOLDING FACILITY

3.1 The short term holding facility (STHF) at Eastern Docks Dover is part of the Kent Intake Unit (KIU). It is a large room designated to hold up to 58 detainees with a small separate room for families. Both rooms can be observed by detention custody officers. Another room is set aside for induction and the searching of new arrivals, and there are a number of interview rooms. It was supposed to be closed for refurbishment and expansion towards the end of 2016, but this work has not begun. At the time of writing, options for the future location of the KIU are under consideration.

3.2 The purpose of the facility is to detain migrants who have attempted to gain entry into the UK without detection, usually in vehicles, but sometimes on small boats or via the Channel Tunnel. Additionally, migrants suspected of being in the UK illegally, for example by overstaying their leave to enter, are sometimes brought to the KIU following arrest by immigration enforcement officers or the police.

3.3 Most of the cases at the KIU are dealt with by officers from the UK Visas and Immigration Department (UKVI) based in the building. Some are dealt with by other departments such as Immigration Enforcement or the Border Force. After screening interviews, fingerprint and other checks, or welfare interviews, many detainees are temporarily admitted for their asylum claims to be assessed, while those who meet certain criteria for continued detention are transferred to an immigration removal centre. There are very few removals direct from Dover.

3.4 Management of the holding room is contracted out to Tascor, which holds the national Detention and Escorting Services Contract. This contract will be taken over by Mitie, a company with wide experience in this area of work, in May 2018. Detention custody officers are responsible for the safety, security and welfare of detainees in the holding room, and perform other detention and escorting duties.

3.5 In late 2015 a large, airy non-detained area known as The Atrium was constructed in the KIU. Following a decision to temporarily admit detainees, they are released to the Atrium to await transport.

4.1 Executive Summary

4.1.1 Much of this report will be similar in content to the first Dover IMB report published in June 2017. This is because the report was completed by mid-March 2018 and the response to the previous report has only been received from the Minister of State for Immigration a few days before the deadline for submission. Most other Boards monitoring parts of the immigration estate have also waited over nine months for a response, a delay that is unacceptable.

4.1.2 The Port of Dover Independent Monitoring Board was appointed at the beginning of 2016 and began monitoring in March 2016. Its appointment closely followed publication of two highly critical reports on the facilities and processes at the KIU. Both those reports, however, related to a period in 2015 when the system was unable to deal in a timely and acceptable manner with the unprecedented number of migrants attempting to enter the UK. On occasions detainees had been held in other unsuitable accommodation when the holding room had been full.

4.1.3 In 2017 the number of detainees passing through the holding room fell slightly for the year as a whole, although there was a small increase towards the end of the year. Between July and December, 1569 detainees were held in the KIU compared with 1886 in the same six months of the previous year. This meant that staff were able to process cases more quickly: 63 detainees were held for over 24 hours compared with 128 in the same six months of the previous year; and the designated capacity of the holding room was never reached. In the last six months of 2015, over 8000 detainees had been held, with over 1,000 being held for over 24 hrs.

4.1.4 Throughout 2017 IMB members have found that detention custody officers treat detainees with care and respect. There were no cases where force was used to restrain detainees. UKVI officers responsible for screening interviews and investigation also demonstrate care and respect and try to minimise the length of time detainees have to spend in the holding room.

4.1.5 Some issues raised by Board members have not been resolved or have taken an unnecessary amount of time to resolve. For the most part, however, UKVI and Tascor managers have helped IMB members to carry out monitoring responsibilities and have responded positively to several suggestions put forward by the Board.

4.2 Issues requiring a response

4.2.1 Length of detention

Given the reduction in the number of detainees passing through the KIU in 2016 and 2017, and the limited facilities, detention beyond 24 hours should be rare and only authorised in exceptional circumstances (see 5.5.3). *(This recommendation was rejected in the recent reply from the Minister of State to last year's report but is repeated)*

4.2.2 Expansion and upgrading of the facilities

Will the Minister prioritise the planned expansion and upgrading of the facilities to make them suitable for holding detainees for up to 24 hours, including separate facilities for families and unaccompanied minors (see 5.4.3)? *(The recent reply from the Minister of State accepts the need for upgrading the facilities and 'hopes' that barriers to progress will be resolved and the work will be completed in 2018)*

4.2.3 Identifying and Protecting Vulnerable Detainees

Additional steps should be taken to better inform and protect vulnerable people passing through Dover, in line with the objectives of the Modern Slavery Act 2015 (see 5.7.4). *(The recent reply from the Minister of State rejects the need for additional action, stating that current practices fully satisfy the obligation to identify and protect potential victims. The recommendation is repeated)*

4.2.4 Statutory Rules for the Operation of Short Term Holding Facilities

Will the Minister ensure that every effort is made to publish statutory rules for the operation of short-term holding facilities as soon as possible (see 6.4.1). *(The recent reply from the Minister of State accepts the need for statutory rules and states that it is intended to publish in the foreseeable future). The recommendation is repeated.*

4.2.5 Monitoring of holding rooms in Calais and Coquelles

Does the Minister agree that the British managed holding rooms in Calais and Coquelles should be monitored by an IMB and that, in the absence of statutory rules, administrative arrangements should be made for the Dover IMB to carry out that function as soon as possible (see 5.8.1).

5.1 Induction of new arrivals

5.1.1 All new arrivals sit in an induction room next door to the holding room. IMB members have observed induction interviews conducted by Tascor staff in a friendly manner with good use being made of telephone interpreting services, since most detainees do not speak English. During what is potentially a stressful experience, a checklist helps to ensure that all important information is given to new arrivals including, for example, the opportunity to make a free phone call and to use a mobile phone with their own SIM card. Although there is a separate cubicle for searching, the interview itself, which includes questions on medical matters, can be overheard by other detainees. Efforts should be made for them to be conducted privately. Board members have also observed UKVI officers welcoming new arrivals and explaining the processes in a friendly manner.

5.2 Equality and Fairness

5.2.1 Protected characteristics are listed in the Equality Act 2010 as: age, disability, gender reassignment, marriage and civil partnership status, pregnancy and maternity, race and ethnicity, religion and belief, sex, and sexual orientation. There is a requirement to remove disadvantages resulting from protected characteristics.

5.2.2 Provision for families: The family room allows families some privacy and children a separate area in which to play. The room can, however, only seat six people and the Board has observed families making use of the main holding room, sometimes resulting in children mixing with unrelated adults. The family room can be placed under extra pressure due to the lack of any alternative room for detainees who might benefit from a separate area due to specific vulnerabilities. It is important that the planned improvements and expansion of the facilities are not delayed (see 5.4.3). Children have access to toys, books and activities appropriate to most ages. UKVI prioritises cases involving children and monitors timescales in such cases closely.

5.2.3 Religion: Religious texts including the Bible and the Koran are available in the holding room, together with prayer mats. Ramadan fasting times are clearly displayed and Tascor staff have demonstrated sensitivity to the needs of fasting detainees. The Board has raised the issue of a lack of sluicing facilities in the toilets suitable to the needs of some religions but has been informed that such hand-held hoses would breach safety standards.

5.2.4 Language: UKVI and Tascor staff frequently make good use of telephone interpreting services to assist the many detainees who do not speak English. Ensuring all detainees understand what is happening and what facilities are available to them

becomes a particular challenge when there are a large number of detainees in the holding room. Visual cues are often used to facilitate understanding, for example by detainees being shown food packaging to aid their selection of meals.

5.2.5 Disability: Care plans have been created to address specific needs arising from detainees' identified disabilities and Board members have observed the detainees concerned being treated appropriately. Also welcome is the introduction of a dedicated paramedic (see 5.3.1) who is able to support the needs of detainees with disabilities or medical concerns.

5.2.6 Pregnant detainees: The Board monitors the welfare of pregnant detainees in the holding room and is aware that UKVI has made it a priority to keep their detention as short as possible. Pregnant detainees have been offered use of the family room and if there is any concern about their condition they have been taken to hospital.

5.2.7 UKVI and Tascor staff demonstrate understanding of and sensitivity towards detainees' characteristics and seek to find practical ways to accommodate their needs. When the Board has raised concerns with UKVI and Tascor about shortcomings, these have usually arisen from operational or policy requirements rather than by individual decisions or conduct.

5.2.8 Equality and Diversity training is provided to Tascor staff but the Board echoes the concerns of both Tascor staff and Her Majesty's Inspectorate of Prisons that the e-learning provided is not sufficiently tailored to the specific requirements of a short-term holding detention environment.

5.3 Healthcare and mental health

5.3.1 Since June 2016 the KIU has been the first short-term holding facility to have healthcare staff on site. Between 10am and 4pm each day, 365 days a year, a private healthcare company provides a paramedic able to deliver interventions for any detainee with a medical or mental health problem similar to those provided by a paramedic working on an NHS ambulance. Facilities available include a range of medications, an automatic external defibrillator and a basic electrocardiograph machine. Clinical records are scanned and retained; and are forwarded with any detainee who is moved to another place of detention.

5.3.2 The Board welcomes the provision of this service. The paramedics have already reduced the number of detainees whose condition requires an ambulance to be called or have to be taken to hospital.

5.4 Residential services

5.4.1 Accommodation and facilities

The main holding room is about 140 square metres with natural light and rows of metal chairs. A small number of beanbags are available for sleeping and there are a few tables with chairs. The current capacity is 58 detainees. There is a small separate room for families.

5.4.2 Separate toilets for men and women, and a single shower, are accessible from the main holding room but women and children have to pass through the main room to use them. There is often water on the toilet floor and there are no seats. The design is to ensure safety rather than comfort. Few women use the shower because they are reluctant to be in an unlocked shower next to a room full of men. In response to IMB suggestions, efforts have been made to increase use of the shower: the signage has been improved and the shower is left unlocked when there are fewer than 10 detainees.

5.4.3 In June 2016 plans were published for the expansion and upgrading of the facilities, including a larger family room with direct access to its own toilet and shower. This work would have addressed many of the criticisms set out in the 2015 reports on the KIU (see 4.1.2). The work was originally due to be undertaken in November 2016. At the time of writing (March 2018) options for the future location of the KIU are being considered. In the meantime the conditions in which detainees are held remain unsatisfactory. During 2017 there were several problems with plumbing, heating and water ingress.

5.4.4 In the second half of 2017 63 detainees were held for over 24 hours in a room with no access to fresh air. Following a suggestion by the Board, smokers now are offered nicotine replacement lozenges. Managers say that there are insufficient staff to allow access to fresh air. Given the conditions in the holding room, the Board considers that detainees held for longer periods should have the opportunity to exercise in fresh air and recommend that suitable arrangements should be included in any upgrade and refurbishment plans.

Food

5.4.5 Most detainees seen by Board members consider the provision of food and drinks to be reasonable, with records being kept by Tascor of offers of refreshment and meals taken. The food is basic but includes microwaved ready-meals, fruit and snacks. Baby food is available and on occasions staff have met special requirements from local shops.

Purposeful Activity

5.4.7 The holding rooms contain a range of newspapers, magazines and books, mostly in English. There are televisions and some DVDs in both the holding rooms and a few toys and children's books in the family room. These facilities are not, however, adequate for long periods of detention.

5.5 Immigration Screening and Casework

5.5.1 UKVI staff are available 24-hours a day to carry out screening interviews, welfare checks, security checks, fingerprinting, etc. The time taken to complete these processes depends on the number of detainees in the holding room, the number of UKVI staff available, and the time of day, since some checks cannot be completed so quickly at night or at weekends. In the second half of 2017, 1569 detainees were held in the KIU compared with 1886 in the same six months of the previous year. This meant that staff were able to process cases more quickly: 63 detainees were held for over 24 hours compared with 128 in the same six months of the previous year; and the designated capacity of the holding room was never reached.¹

5.5.2 UKVI staff make good use of telephone translation services in order to interview detainees but the key document authorising detention, the form IS91, is only produced in English. The Board considers that it should be produced in the main languages encountered in the holding room. On occasions, with the approval of a chief immigration officer, Board members have been able to observe screening interviews and can attest to the care and consideration afforded to interviewees.

5.5.3 The Board acknowledges that detainees have sometimes not been transferred as soon as their screening is complete for good reasons, e.g., if they have endured difficult cross-channel journeys, followed by interviews, and are asleep before facing long journeys to IRCs. Extra management checks have been introduced to expedite cases exceeding 12 hours and the majority of over-24 hour cases are those awaiting transfer to IRCs. Given that there is no proper sleeping accommodation in the holding room, however, the Board considers that stays of over 24 hours are unacceptable except in rare exceptional circumstances.

5.6 Post-Release Facility

Most detainees are temporarily admitted for their asylum claims to be considered. All those temporarily admitted move to 'The Atrium' to await transport. It is a large airy set of rooms with shower, toilets and vending machines. A worker from the charity, Migrant Help, attends when required to offer advice on how to access legal support, and to help adults with asylum support paperwork. A Refugee Council worker is available

¹ Figures compiled from Tascor holding room logs and include some double counting as individual detainees are carried forward from one day to the next. The same method used, however, for both 2016 and 2017.

24 hours a day in a separate well-equipped part of The Atrium to help families with children and unaccompanied minors waiting to be handed over to the care of Kent Social Services. Built in 2015, this is an excellent facility, shortening the length of time in detention for those awaiting transport. (But see 6.4.2 regarding restrictions on IMB access to the Atrium).

5.7 Safeguarding

5.7.1 The processing and safeguarding of families with children, and unaccompanied minors seems to be handled well: the lengths of time they are kept in the holding room are generally within the recommended timeframes for holding children. UKVI prioritises cases involving children (those believed or claiming to be under 18) and families. In July 2017, the latest month for which figures are available, there were 14 unaccompanied minors and 12 minors in family groups. The average length of stay was just over four and a half hours.

5.7.2 There is a separate room for children and families, albeit very small, just off the main holding room (see Section 5.4). Additionally, the Refugee Council has rooms for children to rest and play in the Atrium. Plans to renovate and extend the holding area during 2017 would have brought welcome improvement to the facilities for children, women and families, separate from the predominantly male population. The Board is concerned that nearly two years has elapsed since the plans to upgrade the facilities were drawn up, with no work commencing.

5.7.3 The Board is also concerned that some young, vulnerable adults passing through the facility may be victims of trafficking and may be released into the hands of criminals. A Safeguarding Officer was appointed in 2015 to work with other agencies to improve the safeguarding of detainees. Towards the end of 2017 the Board was at last given some statistics on the safeguarding system following repeated requests. Between June and December 2017 some 74 detainees (nearly 7% of all detainees) were referred to the safeguarding officer. In November and December there were four National Referral Mechanism (NRM) cases. (The NRM, coordinated by the National Crime Agency, is a framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support).

5.7.4 Whilst the Board recognises that UKVI is alert to the dangers of victims of slavery passing through the STHF, it remains concerned that some people are slipping through the net. The Board recommends that additional steps should be taken to better inform and protect vulnerable people passing through Dover, in line with the objectives of the Modern Slavery Act 2015. For example there should be:

- Improved visual communications and materials in the holding room relating to slavery and forced marriage in the top three languages of people passing through the facility;
- Clearer signposting to specialised anti-slavery helplines for people identified by UKVI as being potentially vulnerable on release; and
- Enhanced cooperation between UKVI and the Refugee Council and anti-slavery NGOs to develop improved strategies to address this issue.

5.8 Monitoring of holding rooms in Calais and Coquelles

5.8.1 In 2016 Her Majesty's Chief Inspector of Prisons inspected the three holding rooms in Calais and Coquelles linked to the UK immigration controls in France. The report found several shortcomings and referred to the absence of an IMB. Members of the Dover IMB would be willing to take on the monitoring of those holding rooms. Under OPCAT (see 1.4), being places of detention, they should be the subject of independent monitoring. The Home Office has informed the Board that setting up such monitoring cannot begin before the (long awaited) publication of the statutory short-term holding facility rules. Given that all IMBs monitoring short-term facilities in the United Kingdom have been set up on a non-statutory basis, there would seem to be no justification for such a delay.

6 THE WORK OF THE INDEPENDENT MONITORING BOARD

6.1 The Port of Dover Independent Monitoring Board was appointed by the Immigration Minister in December 2015. It comprises eight members of the Board that had previously monitored the Dover Immigration Removal Centre, which had been closed in October 2015. During 2017 at least one member visited the holding room most weeks unannounced, and a meeting with UKVI and Tascor management was held monthly.

6.2 UKVI and Tascor managers and staff have helped IMB members to learn about the KIU structure and processes, and have provided the facilities needed for effective monitoring.

6.3 The Board is aware of the challenge that language barriers can present to the effective monitoring of the welfare of detainees and has taken steps to overcome these challenges by, for example, designing information posters for detainees displayed in a number of languages and occasionally using translation services.

6.4 The following issues which affect the work of the Board, at the time of writing, have not been resolved:

6.4.1 Statutory Rules Draft rules for the management of STHFs, to be issued under the Immigration and Asylum Act 1999, were circulated for consultation in February 2016, having been under discussion for many years. Finalisation of the rules is still awaited, meaning that monitoring is carried out informally, with reference to the principles underlying the rules for Immigration Removal Centres. Clear rules are needed. The Board is particularly concerned that the draft issued in February 2016 proposed a maximum detention time of 48 hours. The facilities at the KIU are not suitable for detention over 24 hours.

6.4.2 IMB Access to The Atrium Most detainees are temporarily admitted and then await transport in 'The Atrium' (see 5.6). The Home Office does not allow IMB members to visit The Atrium, stating that it is not an area of detention and therefore not within the Board's remit. The Board believes members should be able to talk to people who have just left detention about their recent experience. It considers this to be a petty restriction contrary to the spirit of openness and transparency that the Department claims to have.

6.5	Recommended complement of Board members	8
	Number of Board members as at January 2017	8
	Number of Board members as at December 2017	8

New members joining in 2017	0
Members leaving during 2017	0
Average number of attendees at Board meetings	4
Visits to the KIU by one or more members (incl. meetings)	98

7 GLOSSARY OF ESTABLISHMENT RELATED TERMS AND ABBREVIATIONS

DEPMU	Detainee Escorting and Population Management Unit
HMCIP	Her Majesty's Chief Inspector of Prisons
HOIE	Home Office Immigration Enforcement
IMB	Independent Monitoring Board
IRC	Immigration Removal Centre
KIU	Kent Intake Unit
NGO	Non-Governmental Organisation
NRM	National Referral Mechanism
OPCAT	Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
UKVI	United Kingdom Visas and Immigration