



Annual Report
of the
Independent Monitoring Boards
Charter Flight Monitoring Team

1 January 2018 – 31 December 2018

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TABLE OF CONTENTS

Introductory Sections

| Section | Topic | Page |
|----------------|--|-------------|
| 1 | The Role of the CFMT | 3 |
| 2 | Executive Summary | 3 |
| 3 | Main Judgements | 4 |
| 4 | Recommendations | 5- 6 |
| 5 | A Major Issue outstanding from the previous Annual Report | 6 |
| 6 | Organisations involved | 6 |

Evidence Sections

| | | |
|-----------|--------------------------------|-------------------|
| 7 | Safety | 7- 14 |
| 8 | Equality and Fairness | 15- 16 |
| 9 | Healthcare | 17 |
| 10 | Preparation for removal | 18- 19 |
| 11 | The Work of the CFMT | 20 |

| | | |
|--|-------------------|-------------------|
| | Appendices | 21- 23 |
|--|-------------------|-------------------|

INTRODUCTORY SECTIONS

1 THE ROLE of THE INDEPENDENT MONITORING BOARDS CHARTER FLIGHT MONITORING TEAM (“CFMT”).

1.1 The CFMT is appointed on an administrative, non-statutory, basis under the terms of the Memorandum of Understanding and Service Level Agreement between the Home Office Directorate of Immigration Enforcement (“HOIE”) and The National Council of Independent Monitoring Boards, signed in November 2016.

1.2 It records that

- the CFMT is responsible for monitoring and reporting on the conditions and treatment of returnees during charter flights;
- the CFMT should be afforded the same assistance as to monitoring rights as Independent Monitoring Boards appointed on a statutory basis;
- the remit of the CFMT begins when the returnee is collected from the Immigration Removal Centre (“IRC”) and ends at the point of hand-over to local officials at the overseas destination;
- best practice for the CFMT is for members monitoring a particular flight to join at the escorting staff muster (meeting) point.

2 EXECUTIVE SUMMARY

2.1 This Report presents the CFMT’s findings for the calendar year 2018 when it monitored enforced removals by chartered aircraft to:

- Islamabad (June and August),
- Lagos and Accra (January, March and November),
- Tirana, (May and October) and
- France and onward to Switzerland (July).

In June, the CFMT also monitored a charter operation to Switzerland, Austria and Bulgaria from the staff muster until all the returnees had boarded the plane. It, and the July removal, were Dublin Convention¹ operations.

¹ The Dublin Convention determines which European member state is responsible for considering an asylum claim. It permits a member state to transfer an asylum applicant to the state responsible.

2.2 The CFMT's evidence comes from its own observations, scrutiny of records, meetings with HOIE staff and contact with escorting staff and some returnees. Figures on numbers of returnees removed are contained in Appendix 1 to this Report.

3 MAIN JUDGEMENTS

3.1 **Are returnees treated fairly?** Returnees were generally treated fairly. However, fair treatment was not achieved in the following significant respects:

- Use of restraint must be a necessary, reasonable and proportionate response if it is to be lawful and hence fair. The CFMT witnessed decisions to put a returnee in a Waist Restraint Belt (“WRB”) in response to a simple statement of reluctance to leave, not accompanied by verbal threats or physical resistance: paragraph 7.2.3. The CFMT questions whether use of the WRB in these circumstances satisfied this criterion of fairness.
- Failure to provide professional interpreting services for returnees who needed this support until July and thereafter providing it selectively: paragraph 7.13.
- Subjecting returnees collected from IRCs in the South-East to the long journey to Doncaster-Sheffield Airport (followed then by a flight to West Africa): paragraph 7.7.4.

3.2 **Are returnees treated humanely?** The CFMT observed returnees treated kindly and with respect. There were exceptions:

- The examples cited in paragraph 3.1.
- Some returnees were confined for hours in coaches, sometimes in insanitary conditions: paragraphs 7.7.2 to 7.7.4 and 7.8.3.
- All returnees were denied privacy when using the WC on a coach and a lavatory on the plane: paragraph 7.12.
- Some returnees were transferred to the escorts’ custody and then moved to the departure port during the night: paragraph 7.6.
- Very few returnees were offered a pillow on the plane and only one a blanket: paragraph 7.10.1.

The case study in Appendix 2 illustrates humane treatment in one respect but also the reverse.

3.3 **Are returnees prepared well for their removal?** The CFMT welcomed the introduction of HOIE’s Charter Flight Information Booklet in May. It contains useful information about what will happen during the removal process on the day. It was translated into Albanian, Urdu and Punjabi by the end of November. Returnees, not literate in English, were therefore disadvantaged for seven months.

3.4 Dublin Convention returnees appeared to be ill-prepared for their removal to the member state with responsibility for dealing with their asylum applications: paragraphs 5 and 10.1

3.5 The International Organisation for Migration (“IOM”) may be the only source of initial support offered to returnees to Albania and to Nigeria: paragraphs 10.2 and 10.3.

4 RECOMMENDATIONS

TO THE MINISTER

4.1 The HOIE Escorting Contract performance monitoring team must be better resourced – a CFMT recommendation made in 2017. Contemporaneous oversight at every IRC from which a charter party leaves is still required: paragraphs 7.1 to 7.4.

4.2 Use of departure ports far from the IRCs where returnees are detained for a charter removal operation should be discontinued: paragraph 7.7.4.

TO HOIE

4.3 Contemporaneous authoritative oversight of the Home Office escorting contractor's use of force and restraint remains imperative. The CFMT did not observe consistent compliance with policy: paragraphs 7.2.3, 7.2.6 and 7.2.7.

4.4 The video evidence of the briefing to escorts at muster and of the collection process could contribute to the depth of your contract performance monitoring. This data should be routinely interrogated: paragraphs 7.2.4 and 7.2.5.

4.5 Dublin Convention returnees must be told, in a language they understand, what to expect upon arrival in mainland Europe, such as:

- when their asylum applications will be considered;
- where in the host country they will be accommodated;
- the likelihood of detention by the host country.

These needs must be met urgently: paragraphs 5 and 10.1.

4.6 Professional interpreting services must be provided throughout the removal process for all Dublin Convention returnees, and to those Albanians who need it. The assessment of need for returnees to Islamabad should be more rigorous: paragraph 7.13.

TO HOIE AND TO DETENTION OPERATIONS

4.7 The Home Office Detainee Engagement Teams, in those IRCs where they operate, should brief charter returnees on all aspects of that process on the day, and make use of the Charter Flight Information booklet. They should also offer such resettlement literature as is available in advance: paragraphs 10.4 and 10.8.

TO THE ESCORTING CONTRACTOR

4.8 The escorts must be instructed to offer a comfort break as a matter of course before the returnee boards the coach or other vehicle at the IRC: paragraphs 7.5.3 and 7.8.3.

4.9 The practice of denying all returnees privacy to use the WC on the coach and the lavatories on the plane should be discontinued and the issue of privacy individually risk assessed: paragraphs 7.12 and 7.14.

4.10 The practice of confining returnees in coaches for hours should be discontinued: a recommendation in the CFMT's 2017 Report. The whole process of collection, travel to the departure port and then boarding the plane should be managed to minimise time spent in coaches: paragraphs 7.7.1 to 7.7.4.

4.11 The escorts must be instructed to explain the contents of the Charter Flight Information booklet to all returnees with assistance, where needed, from interpreters: paragraphs 8.3 to 8.3.2.

4.12 All returnees should be offered a pillow and a blanket during the flight, subject to risk assessment: paragraph 7.10.1.

4.13 Some of the coaches hired were not properly equipped. They should be from the outset: paragraph 7.8.2.

5. A MAJOR ISSUE OUTSTANDING FROM THE CFMT's ANNUAL REPORT for 2017

The CFMT recommended that the vulnerabilities of asylum applicants on Dublin Convention removals needed to be imaginatively addressed. "This group may be more fearful of the consequences of removal than returnees going back to their own countries of origin". The recommendation was accepted in the following terms: "The Home Office and the escorting provider will review the contents of the briefing given to staff at muster to ensure this provides sufficient focus on welfare considerations, with emphasis on the stressors that detainees may be under."

The CFMT heard no reference at all to "the stressors" at the musters for the two Dublin Convention removals the CFMT observed in 2018, nor at the muster for the same removal two weeks into 2019. The recommendation is therefore repeated to HOIE and to the Escorting Contractor.

6 ORGANISATIONS INVOLVED IN THE REMOVALS

Tascor (part of Capita plc) remained the escorting contractor until 30 April when Mitie Care and Custody Limited ("C&C") took over under a new contract. C&C introduced a number of positive changes in working practices. Examples are cited in this report. Some are not yet embedded.

Tascor and, after them, C&C hired the coaches which took returnees from their IRCs to the departure port. The aircraft were chartered by the Home Office Immigration Enforcement Directorate. Healthcare services were provided by IPRS Aeromed. The Dublin Convention removals were managed by the Third Country Unit of the Home Office.

EVIDENCE SECTIONS

7 SAFETY

7.1 HOIE's contemporaneous oversight of the escorting contractor's performance. HOIE's Contract Performance Monitors again attended infrequently at the dispatching IRCs – on three occasions in the CFMT's observation. A member of HOIE's Compliance team sometimes observed at an IRC. Very senior personnel observed some operations. The Dublin Convention removal in June, the first such operation under the new contract, was observed by the Head of Operations, Detention and Escorting Services, in HOIE, and C & C's Contract Director for Escorting Services. The flight in October was observed by the Director General of Immigration Enforcement accompanied by the HM Inspector from the Returns Logistics Unit. The CFMT understands that the Minister travelled on a flight to Tirana in August.

7.1.2 HOIE's assessment of the propriety and legality of use of restraint and/or force appeared to rely on post facto analysis of escorts' reports. The CFMT can see these. They do not always give the full picture. For example:

- the reality of attempts to de-escalate prior to use of force or of restraint is difficult to gauge from a report unless it includes clear evidence to substantiate the routine tick in the relevant box;
- the Passive Report (used when a returnee co-operates when the WRB is fitted) does not include a section to record attempts to de-escalate before the decision to use the WRB is taken.

The CFMT understands the Contract Performance Monitoring team did not have the resource regularly to interrogate the data referred to in paragraph 7.2.4.

7.2 Use of restraints and force generally. The numbers of returnees who left the UK under some form of restraint are, to the best of the CFMT's knowledge:

- 12 of the cohort of 47 to West Africa in January;
- 7 of the cohort of 33 to West Africa in March;
- 2 of the cohort of 54 to Albania in May;
- 5 of the cohort of 21 to Islamabad in June;
- 12 of the 17 whom the CFMT observed boarding the plane for the Dublin Convention removal in June. The entire cohort was 20 and HOIE has advised that 15 were left under some form of restraint;
- 13 of the cohort of 21 on the Dublin Convention removal in July;
- 3 of the cohort of 29 to Islamabad in August;
- 1 of the cohort of 42 to Albania in October; and
- none of the cohort of 26 to West Africa in November.

7.2.1. The WRB was the form of restraint most commonly used, usually applied during collection at the IRC. The WRB can be fitted in one of three positions:

- Free: this option was never chosen in the CFMT's observation;
- Restricted, the position which allows the returnee some arm and hand movement, and
- Secure, the position which prevents arm and hand movement. Netting over the hands can also be applied.

The belt, once fitted, can be adjusted from restricted to secure and vice versa.

7.2.2 Some returnees co-operated as the WRB was put on. Compliance of those who did not was achieved by prior application of a rigid bar cuff, (an HOIE approved pain compliance technique) usually promptly released once the WRB was on. Some were also put into leg restraints at the departure port and carried onto the plane.

7.2.3 The CFMT considers that use of the WRB and of force was reasonable, necessary and proportionate in many, but not all, instances. Detention Service Order 07/2016 – "Use of Restraint(s) for escorted moves" sets out the policy. It states there is a presumption against use of restraint. This approach was not consistently followed. The CFMT observed, as it had in 2017, that the WRB was sometimes applied as a hasty reaction to the returnee's statement of reluctance to leave, not accompanied by threats (either to themselves or others) or physical resistance. The practical implications of the statement were not tested. Examples:

- A WRB placed on a man the CFMT observed to be distressed, but not argumentative. The escorts' rationale for putting him in a WRB was that he was argumentative;
- A WRB on a man the CFMT observed as distressed to some extent but in no way confrontational; and
- A WRB on a man recorded as being unhappy on collection. Once on the coach, it was quickly apparent from the records that he needed an interpreter. This service was provided by another returnee. The CFMT queries how the man's initial alleged unhappiness was tested before the WRB was fitted, given the communications impasse.

The CFMT has early evidence of this hasty response continuing into 2019.

7.2.4 The briefing to staff at muster was videoed and recorded from May onwards. Filming the transfer of returnees to the escorts' custody at the IRCs was introduced at the same time. The lead escort wore a body-worn camera. These changes in working practice are welcome.

7.2.5 The briefing to escorts at muster can heighten the expectation of problems. This was not invariably warranted. Examples:

- Dublin Convention removals can be “particularly lively” – a statement made at the muster for the June operation. HOIE did not arrange for this cohort to be assisted by professional interpreters: the level of restraint and of force was high.
- Escorts at the muster for the July Dublin Convention removals were told “don’t be afraid of using the” WRB. It is available “for our safety and your control but you have to show any de-escalation”.
- Escorts at the November muster for the Lagos/Accra operation were told that these operations potentially attracted more problems than others. In the event it did not: there was no use of restraint or of force.

7.2.6 The CFMT noted references to “de-escalation” during the briefing to staff at muster from June onwards and to the need to record it. This new emphasis does not appear to have resulted in a consistent change in practice. Examples:

- Hasty application of the WRB: paragraph 7.2.3.
- The WRB, initially fitted in the restricted position sometimes adjusted to the secure position for boarding. The CFMT was not satisfied there was evidence of enhanced risk at this point, in every case.
- Returnees in a WRB remained in it until after take-off at the earliest, typically hours after the WRB had been fitted – the standard approach as the CFMT reported in 2017.

7.2.7 DSO 07/2016 states that “restraints should be used for the minimum amount of time”. The CFMT cannot reconcile this policy requirement with the standard approach described in paragraph 7.2.6. Examples of instructions to staff at the muster:

- They were instructed in May that no WRB was to be released “beforehand” (not explained) unless there were medical reasons.
- At subsequent musters they were instructed that no WRB was to be released without the authority of the escort in charge of security or his deputy.

The security team officers are sometimes present for part of the collection process at an IRC but always leave early for the departure port. It seems to the CFMT that they are not in a position to make an informed judgment until they encounter the returnee on the plane.

7.3 Use of restraints and of force on Dublin Convention removals. There was greater use of restraint and force than in the other removal operations the CFMT observed. This is a continuing concern.

- Of the 17 observed going onto the plane in June, six walked freely, six were in WRBs and walked and six were heavily restrained and carried;
- Of the 21 removed in July, 11 walked onto the plane freely, nine were in WRBs and walked, and one was heavily restrained and carried;

- Of the 30 removed early in January 2019 (so just outside this reporting period) 5 walked freely onto the plane. The other 25 (83% of the whole group) were in WRBs, 13 of them walked onto the plane, 6 were carried on board and 6 were subjected to a degree of force but were not actually carried.

7.3.1 The vulnerability of this group was recognised to an extent in July but not in June. Professional interpreters were used for the first time in July. This was positive. However, the escorts were not briefed, in June, July, or in January 2019 to consider the particular “stressors” of the group: paragraph 5. This group was also denied proper, respectful and humane preparation for removal: paragraph 10.1.

7.4 The outcome for returnees put in restraint on the seeming assumption that they could understand what was being said to them in English, or as a result of hasty assessments, or founded on assessments which did not match the CFMT’s observations of a returnee’s behaviour, was of humiliation and degrading treatment. This was also the CFMT’s judgment in its 2017 Report.

7.5 The discharge process at the IRC. Returnees were usually treated with respect and dignity during this process.

7.5.1 The process is commonly known as “meet and greet”. The returnee is presented to the senior escorting officer responsible for collection from the IRC, known as the Coach Commander. That officer is supported by a small team of colleagues. Some carry out searches. Others deal with luggage. The “meet and greet” teams generally had good inter-personal skills, an ability to reassure returnees and sometimes to defuse a potentially difficult situation. The CFMT observed empathetic responses to individual needs. For example, on one occasion borrowing cushions from the IRC to give a woman necessary lumbar support during the long coach journey to Doncaster-Sheffield Airport.

7.5.2 All returnees are searched as part of the discharge process – a non-invasive search of the body and clothing – by escorts of the same gender. Some male returnees in Harmondsworth IRC were denied privacy when they were searched in the main room in sight of both male and female staff not involved in the process.

7.5.3. In 2017 the CFMT reported that male returnees were not routinely offered a comfort break before leaving their IRC despite the fact that some would spend hours in coaches on the next leg of the journey. That was the CFMT’s observation again this year. There is no lavatory in the area within Brook House IRC used for the charter collections the CFMT observed there. On one occasion a lavatory in the area allocated for collections at Harmondsworth IRC was locked throughout.

7.6 Night moves. They are inhumane. The removal process for Albanians began in the night - in May and October, soon after 01:00 in one IRC. The process for Dublin Convention returnees typically started between 23:30 and 02:30. The CFMT

understands night moves are standard for these flights regardless of the impact on returnees.

7.7 The road journey. Some returnees were confined for hours in coaches with inadequate sanitation.

7.7.1 Most returnees were driven in coaches from their IRC to the departure airport and after a wait landside, driven airside to board the aircraft. Some spent hours in a coach. This is the standard approach to which the CFMT drew attention in 2017. Some, in restraint, travelled in separate vehicles as, sometimes, did compliant returnees who were considered to be vulnerable.

7.7.2 The first returnee to be discharged from the IRC boarded the waiting coach and sat there until everyone else was on it. The discharge process for the whole cohort leaving the IRC was typically long. This had a direct impact on the length of time returnees discharged early in the process spent confined in the coach. The worst experience, when the departure port was in the south east, was usually for men discharged from Brook House IRC early in the process. The CFMT's evidence is that the coach time experienced by some in this cohort ranged from 5 hours 30 minutes to 6 hours 45 minutes.

7.7.3 The time returnees spent confined in a coach waiting at the departure port was a contributor to the overall in-coach time. The CFMT's worst case examples:

- June (Dublin Convention): 3 hours 30 minutes at the port;
- January: 2 hours at the port; and
- November: 1 hour 49 minutes at the port.

7.7.4 The longest times spent in a coach were for the flights to West Africa in March and November, which left from Doncaster-Sheffield Airport. Examples:

- March: the first man from Brook House IRC (near Gatwick) joined the coach soon after 15:30 and left it to board the plane 11 hours later; there were no collections from Brook House for the November operation;
- November: the first man from Campsfield House IRC (outside Oxford) joined the coach soon after 14:30 and left it to board the plane 8 hours later.

The journeys to Doncaster-Sheffield Airport were broken for a change of coach driver when the returnees were offered a hot meal, locally purchased. They were not allowed off the coaches, even individually under escort, to stretch their legs, or smoke, or use a decent lavatory.

The CFMT believes that 3 in the intended charter parties to leave from Doncaster-Sheffield had been transferred to IRCs in the southeast the previous day:

- A man from Morton Hall IRC (Lincolnshire) and a man from Dungavel IRC (Scotland) in March and
- A woman from Dungavel IRC in November.

7.7.5 The escort sitting with a returnee is expected to engage whilst they are seated together on the coach, as well as later on the aircraft. The CFMT often observed positive interactions but disengaged escorts too, chatting to each other across the coach rather than to the returnee.

7.8 **The state of the coaches.** In 2017 the CFMT reported that not all these vehicles were roadworthy. There have been different problems this year.

7.8.1 A coach Tascor hired in January did not have a functioning WC. Attempts were made unsuccessfully to hire a replacement vehicle. An engineer carried out a repair which did not last. The WC was unusable for the whole journey to the departure port. A coach Tascor hired in March had no hot water and initially no lavatory paper.

7.8.2 C&C achieved a higher standard over the first eight months of the new contract. It hires a spare coach – a sensible precaution. However, the coaches actually used were not always properly provisioned. Examples: no lavatory paper, no hot water.

7.8.3 The WCs on coaches do not have the capacity to meet requirements in decent conditions over long journeys. A WC on a coach used in May stank and was unpleasant both to use and sit near. The WC on a coach used in June appeared not to have been cleaned. It was smelly from the start. These examples underscore the imperative of offering every returnee a comfort break before leaving the IRC.

7.9 **Boarding the aircraft.** Returnees came off their coach, one by one. Their arms were held as they walked up the aircraft steps and to their seat. They were filmed walking up the steps and going to their seat. The CFMT is not confident that all were treated respectfully. Specifically:

- That **all** were told in advance (as opposed to at the last moment) their arms would be held;
- That **all** were told in advance (as opposed to at the last moment) they would be filmed walking up the steps and
- That **any** were told (at any point) filming would continue inside the plane as they walked to their seat.

The CFMT's evidence sources are observation coupled with entries, or lack of them, in the Person Escort Record ("the PER"), which escorts must keep for each returnee.

The CFMT also observed instances of good practice. For example, extra care was taken with some older returnees walking up the steps and some of those with mobility issues.

7.10 The flight. The levels of engagement between an escort seated by a returnee tended to abate once the aircraft had taken off, and sometimes for understandable reasons – the returnee had fallen asleep. However, as in 2016 and 2017, the CFMT again observed escorts asleep whilst the returnee in their charge was awake. The CFMT still does not have confidence in the respite opportunities which spare escorts on a flight are intended to provide.

7.10.1. Parts of the aircraft cabins were routinely cold. Blankets are carried on board. They were rarely offered by the previous contractor's (Tascor) staff. Pillows are also carried on board. They used not to be offered to returnees. C&C appear to be trying to introduce a different approach, but the CFMT observed a gap between theory and escorts' working practice. The possibility of pillows, to be offered subject to risk assessment, was first mentioned in the CFMT's hearing at the staff briefing for the flight in August. The CFMT has no evidence that anyone was offered a pillow on that flight. The possibility of a pillow was not mentioned during the staff briefing in October. Pillows and blankets were mentioned at the staff briefing in November, subject, in the case of blankets, to risk assessment. The CFMT has evidence that of the cohort of 21 who left on that flight, 13 were told about pillows, six were actually given one and one woman had a blanket as well.

7.10.2 Hot and cold drinks and two cooked meals were served on the flights to West Africa and to Islamabad, and one cooked meal on the Albanian flights. A snack was offered during the July Dublin Convention removal.

7.10.3 A single aisle plane was used in October for the flight to Albania. The CFMT considered the plane was so crowded that for a significant proportion of the flight it was hard to move around the plane. Staff approached the CFMT to say this constraint prevented them escorting returnees to the lavatories quickly. In the CFMT's opinion, prompt response to any security or medical issues would have been difficult in these conditions.

7.11 Disembarkation at the receiving port. Local immigration officials and/or the Police boarded the aircraft soon after landing. They liaised with the Chief Immigration Officer leading the flight. In Lagos and Islamabad, returnees were called forward one by one, left the plane and walked to a waiting coach or shuttle bus parked nearby. In Accra and Tirana, the returnees left the plane as a group. Transport was waiting for them. Most returnees to these destinations left the aircraft voluntarily and peacefully, sometimes exchanging warm good byes with their escorts.

Dublin Convention returnees were also called forward one by one. In some instances, the WRB was not released until the returnee had come forward to disembark.

7.12 Lavatory access during the journey. Returnees were again denied privacy when using the WC on the coach or the lavatory on the aircraft. The door was always held slightly ajar. This is the standard approach, not individually risk assessed. The

CFMT acknowledges that HOIE and C & C consider privacy of use is risky on grounds of security or safety and that there was an incident of self-harm in a coach WC in June. The blanket ban on privacy of use is nonetheless demeaning.

7.13 Interpreting services. HOIE's provision of professional interpreters for two operations observed was helpful – for the Dublin Convention removal in July and one interpreter for the October removal to Albania. Professional interpreters were not offered to the Dublin Convention returnees in June nor to the returnees to Islamabad in August. The CFMT was told in advance of the latter that there was no need. The CFMT observed the reverse. The patent communications gap for some returnees was filled by escorts who spoke their language. Whilst that was helpful, the service was provided by escorts, not independent professionals.

7.14 Female returnees. Women were seated by female escorts on the coach (with two exceptions observed in March and November) and again on the aircraft. They were escorted up the plane steps by female escorts (with two exceptions, noted again in March and November). The women boarded the aircraft separately from the men and were seated apart from the main male cohort. Use of the WC on the coach and of the lavatory on the plane was supervised by female escorts. Supervised access to a WC or a lavatory is particularly demeaning for women.

7.14.1 The stock of sanitary protection items was initially inadequate on the coach going to Yarl's Wood IRC in November. It was topped up when the CFMT mentioned the point. However, there was no hygienic means of disposing of used items. The next day the CFMT recommended immediate provision. The CFMT was told in February 2019 that sanitary disposal bags had been sourced and would be carried on all coaches in which women were to travel.

7.15 Vulnerable returnees. The CFMT observed acts of kindness towards vulnerable returnees. An example:

- The female escort who accompanied a woman to the Chief Immigration Officer's on-board surgery demonstrated her knowledge of this woman's issues and vulnerabilities. She had clearly been engaging sympathetically with the woman.

However, aspects of the case study in Appendix 2 illustrate the reverse.

8 EQUALITY AND FAIRNESS

8.1 **Legal Rights.** The Chief Immigration Officer (“the CIO”) leading a charter flight has discretion whether or not to hold an on-board “surgery”. The surgery gives a returnee the chance of raising issues for the last time with the only person on the flight with the professional competence to address them.

8.1.2 Surgeries were held during the flights to Lagos/Accra and to Islamabad. There was a surgery during the flight to Albania in May but not in October. There was no surgery during the July Dublin Convention flight. The CIOs were always courteous to the applicants to the surgery, taking time to listen to their issues. A common concern was around outstanding legal process. The CIO promised to check the position on landing and did. For example, the removal of a man on the March flight to West Africa had been cancelled by the time the plane landed in Lagos. He was brought back.

8.1.3 The CFMT is told that when there is no surgery, the CIO will nonetheless speak to any returnee the escorts bring to his attention. This requires a proactive approach by escorts. The CFMT did not see anyone drawn to the CIO’s attention during the October flight to Albania. The CFMT also saw no one drawn to attention during either leg of the July Dublin Convention flight. Perhaps no one on that flight wanted that contact, or maybe could not communicate the request – the CFMT did not see the interpreters on the flight move around.

8.1.4 The surgeries were typically supervised by a minimum of 6 escorts, whose physical stature and body language sometimes struck the CFMT as potentially intimidating. Their overpowering presence was less of an issue this year than in 2017, but the CFMT remains concerned, particularly when it observes an escort kneeling very close to the seated applicants’ faces or standing towering over them. The CFMT was told this year

- that “a surgery can be a flashpoint” for the applicant to whom the CIO is giving bad news” (the CFMT has never observed such a reaction) and
- that “the number and positioning of escorts should not be set out to intimidate but to ensure the safety of all on board.”

8.1.5 The CFMT’s 2017 Report drew attention to the escorts’ practice of “sifting” surgery applicants in advance. This practice appears to have been abandoned: a welcome change.

8.2 **Complaints procedures.** Returnees’ rights to raise a complaint with the Home Office continue during the removal process. The CFMT reported in 2017 that this was not explicitly drawn to returnees’ notice. The CFMT has no evidence of any change in approach over the first four months of this year. HOIE attempted to close the gap by publishing its Charter Flight Information booklet in English, in May. The booklet refers to the complaints procedure and how the right may be exercised. However, the gap

remained for a further seven months until the booklet was published in Albanian, Urdu and Punjabi: paragraph 3.3.

8.2.1 The CFMT was satisfied by the end of November that the booklet was offered once the returnee had got onto the coach and that the escorts carried complaint forms. However, there is a distinction between offering guidance in a booklet and drawing it explicitly to returnees' notice: paragraphs 8.3.1 and 8.3.2.

8.3 **Equality and fairness in briefing returnees.** All returnees should be told what will happen to them during the removal process on the day. This should not be left to the discretion of the individual escort.

8.3.1 The booklet contains useful information in addition to the references to the complaints procedure, including

- how property and medication will be dealt with;
- that returnees will be filmed when boarding the plane;
- that their arms will be held as they are escorted up the plane steps;

The booklet's potential as an information source is thwarted if, for example, the returnee is not literate or is, but is too distraught to take it in. The CFMT has scant evidence that escorts took the initiative of explaining its contents to returnees: there is plenty of time to do so when they are seated together on the coach. Professional interpreters could assist. The CFMT is not confident, for example

- that the complaints procedure was explicitly drawn to attention during the last four months of the old escorting contract nor subsequently;
- that all returnees were told their arms would be held as they were escorted up the plane steps.

The CFMT's evidence on notification of filming is more positive, in some respects: paragraph 7.9.

8.3.2 The PER is a running log, which each escort must maintain for each returnee in his/her care during the removal process, noting, for example, events, requests and concerns. It is also an official document. The CFMT's reviews of this source of evidence suggest that escorts:

- rarely explained the contents of the booklet once it had been published,
- rarely told someone that his/her arms would be held walking up the plane steps,
- never told someone that he/she would be filmed going to the seat in the plane and
- only sometimes said that a pillow was available on the plane.

9 HEALTHCARE

9.1 An IPRS Aeromed Paramedic attended the discharge process at each IRC and travelled with the returnees on the coach to the departure port. Two paramedics flew and a third accompanied the woman referred to in Appendix 2.

9.2 The returnee's medical notes and any prescribed medication should be handed to the paramedic as the returnee arrives in the IRC discharge area. The CFMT observed the paramedic read the notes, check the medication, and assure the returnee that the next dose due would be given at the appropriate time. Sometimes the paramedic had to prompt the IRC's Healthcare department when not all the medication had arrived. Sometimes medication was discovered in the returnee's luggage and handed to the paramedic, with the returnee watching.

9.3 The paramedics were professional and generally empathetic. They responded to any immediate needs communicated as returnees were being collected and during the coach journey. The CFMT also observed them assess the reason for pain a returnee was experiencing and sometimes carry out medical tests. Paracetamol was the standard offer for pain relief. The paramedics checked returnees who had been subjected to use of force, once the restraint had been removed. The CFMT noted escorts were proactive in alerting the flying paramedics to any medical need a returnee expressed during the flight.

9.4 A woman removed to Nigeria in November, with medical needs she may have exaggerated, demanded a great deal of attention from the moment she was collected at the IRC until virtually the end of the flight. A paramedic attended on her with kindness and patience throughout.

9.5. Medication and personal medical notes were held by the paramedics and distributed to the owners just before they left the plane except in two instances:

- Local immigration officials in Lagos took charge of medication and notes belonging to Nigerians on the January flight. This practice was later stopped.
- Local immigration police took charge of medication and notes belonging to Albanians on the May flight. The issue did not arise on the October flight as none of the returnees had medication.

10 PREPARATION FOR REMOVAL

10.1 The CFMT observed that many of the returnees on the June and July Dublin Convention removals appeared to be confused about the reasons for their removal and ignorant of what would happen to them on arrival. The CFMT therefore asked HOIE, after each operation, whether these returnees had been prepared for their removal and was told the Third Country Unit would have briefed them. The CFMT pursued this. In October the CFMT learned from a Home Office official that these returnees would simply have been told they were to be removed and later, to pack. The official acknowledged there was “a gap”.

10.2 The CFMT was told after the May operation to Albania that there was currently no re-integration programme provided by the Albanian authorities. The CFMT is unaware of any change. The IOM appears to be the only resource.

10.3 The CFMT was told at a meeting with officials in November that there had been an accommodation facility in Nigeria, supported by the Foreign and Commonwealth Office, intended to meet initial resettlement needs, that there was no take-up and that the project was therefore discontinued. The IOM may again be the only resource.

10.3.1 An escort took the imaginative initiative of checking the IOM’s contact details in Nigeria and Ghana before the women bound for these destinations on the November removal were collected from their IRC. He had the details copied and offered to each woman.

10.4 There is no longer any official “Coming Home” literature for Nigerians, although the Hibiscus Initiatives booklet is potentially available in some IRCs. A corresponding Hibiscus’ publication is available for Ghanaians in some IRCs and there is a locally based NGO to which, the CFMT believes, returnees to Accra have immediate access on arrival.

10.5 An NGO offers support services to returnees to Pakistan to which the CFMT believes they have immediate access on arrival in Islamabad. HOIE provided C&C with the relevant flyers, in English and Urdu. The CFMT is not confident that all returnees on the June and August removals to Islamabad received this information.

10.6 Property remains an issue. Returnees understandably want to leave with all the property they have with them in detention. The CFMT observed concerns over property resulting in increased levels of anxiety. Examples of missing property:

- A man was presented for collection without his property. The CFMT observed he was very unhappy about this. Staff in the IRC found it.
- Another man was presented without his property. It had not been brought with him from his previous IRC from which he had been transferred a week before – something the CFMT considered should have been resolved in advance by the two IRCs involved. The man’s intended removal that day was cancelled.

10.7 Clothing. Some returnees were presented for collection wearing unsuitable clothes for travelling, possibly because they had not been properly briefed – another aspect of preparation for removal. Examples:

- Escorts persuaded an elderly woman to select warmer clothes from her luggage and put them on;
- A man wearing flip flops refused an escort's suggestion of wearing his shoes instead, but agreed to wear a jacket which he chose from his luggage.

10.8 The Detainee Engagement Teams referred to in paragraph 4.7 have a critical role in preparing returnees for removal. For example, the information in the Charter Flight Information Booklet about property and medication as well as about other aspects of the removal process on the day could mostly usefully be given before the escorts arrive to collect returnees from their IRCs.

THE WORK OF THE CHARTER FLIGHT MONITORING TEAM

11. The CFMT is composed of IMB members from Prisons, Immigration Removal Centres and non-residential Immigration Short-Term Holding Facilities. They are volunteers who take on CFMT duties in addition to those on their home IMBs. There were six team members throughout the year. Two were unable to engage in the full range of duties during the autumn. Recruitment in the autumn was disappointing, resulting in only one appointee who was not immediately operational, pending mandatory training. Monitoring to the extent the CFMT managed in 2018 was an achievement, given the tiny resource. Further recruitment is intended.

11.1 The CFMT generally rostered two members to attend the muster and briefing for the escort contractor's staff. They then split up and went to different IRCs to observe returnees being discharged, to travel with them to the departure port and then to fly. Sometimes, an additional team member observed collection at a third IRC but did not fly. The IMB at Campsfield House IRC kindly observed a couple of collections from there, at the CFMT's request. The IMB at Yarl's Wood IRC observe charter collections from there and report separately.

11.2 The CFMT presented a report on each operation observed to HOIE which circulated it to the escorting contractor. HOIE responded formally to the reports. There was also regular dialogue between the CFMT and HOIE officials. The quarterly meetings were particularly useful.

11.3 The CFMT did not received applications in the conventional IMB sense but was in touch with returnees whether they, or their escorts, initiated the contact, or just to chat.

APPENDIX 1

| Destination | Date (2018) | Actual returnees | Escorting staff who flew |
|--------------------|-------------|------------------|--------------------------|
| Lagos/Accra | January | 47 | 125 |
| Lagos/Accra | March | 33 * | 88 |
| Tirana | May | 54 | 100 |
| Islamabad | June | 21 | 54 |
| Switzerland etc. | June | 20 | 80 |
| France/Switzerland | July | 21 | 73 |
| Islamabad | August | 29 | 76 |
| Tirana | October | 42 | 89 |
| Lagos/Accra | November | 26 | 78 |

* the removal of a Nigerian was cancelled during the outbound flight. He came back to the UK on the return flight.

APPENDIX 2: a case study

This case study illustrates an initial appropriate response to a vulnerable woman but also the lack of forward planning to address any difficulties she might experience in boarding the plane and upon arrival in Islamabad.

1. She suffered from epilepsy and hypoxic brain injury. This was clearly stated on the flight manifest. She had a lot of medication – also clear from the manifest.
2. Her vulnerability was initially recognised and planned for. She was taken from the IRC to the departure port in a separate vehicle, accompanied by 3 female escorts (one of whom was a senior escort) and a paramedic. He remained with her until the flight landed in Islamabad. The woman was reported as being in a deep sleep during the journey by road.
3. The vehicle drew up close to the plane steps at the departure port. The CFMT observed the woman coming out of it, with obvious difficulty. The escorts decided to put her in a WRB. She was then supported up the steps.
4. There was no forward planning to meet the woman's needs on arrival in Islamabad, despite her mobility problems and the effect her medication may have had on her general sense of alertness. During the flight, the woman's paramedic told the CFMT that his patient would need support. One of the woman's escorts told the CFMT the woman's husband was still in the UK but planning to come to Pakistan in a few days. The woman's ability to get to her mother's house, some distance from Islamabad, was of concern to this escort. The CFMT made representations to the CIO who contacted the local Migration Delivery Officer ("MDO").
5. The woman left the plane last. She was supported down the steps by the senior escort in charge of security on one side and a local official on the other. They led her to a seat on the waiting coach. It was not parked immediately by the steps. The CIO carried the woman's large bag of medication.
6. In its charter report the CFMT recorded its concerns about
 - use of the WRB. Had any thought been given to using an Ambu-lift or other means of getting the woman on board, short of a WRB?
 - the lack of forward planning reported above.
7. One arm of HOIE responded to the first point as follows.

"There were no mobility factors to indicate that an Ambu-lift was required. It was reported that the detainee continuously feigned un-consciousness and collapsing which the lead Paramedic advised was non-medical. The WRB was applied to assist the escorts in safely boarding the detainee." Another response was that the belt was used for safety reasons "as she was unsteady on her feet."

7.1 The CFMT observed her collection from the IRC when she did not feign unconsciousness. She also did not collapse. The escorts guided her gently into the vehicle. The CFMT observed her coming out of the vehicle to board the plane. She was unsteady on her feet and appeared to the CFMT to be heavily medicated. If the woman was sleeping during the road journey (as above) when, the CFMT wonders, was she feigning unconsciousness and collapsing?

8. Another arm of HOIE responded to both of the CFMT's concerns as follows.

"The MDO was aware of the subject prior to arrival as he is sent a detailed manifest every day, seven days before the flight. An Ambu-lift was not considered necessary as the subject was able to walk. The MDO's report stated that one female returnee" (the woman in question) "required a wheelchair as she claimed she was suffering from abdominal pains and seemed heavily medicated. The FIA processed this returnee as a priority, and she was escorted to Axiom within 20 minutes of arrival."

[Note: Axiom is the NGO offering support services land side in Islamabad.]