



**Annual Report of the Independent Monitoring Board
for the**

**Non-residential Short Term Holding Facilities
London Heathrow Airport**

for the year

February 2018 to January 2019

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Monitoring fairness and respect for people in custody

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1 THE ROLE OF THE INDEPENDENT MONITORING BOARD

1.1 The Heathrow Airport Independent Monitoring Board is appointed by the Home Secretary to monitor and report on:

- The welfare of people in immigration detention anywhere within the airport, through observation of their treatment and of the premises in which they are held.
- The welfare and treatment of people being removed from the country through the airport.

The Board meets monthly. All members of the Board are volunteers.

1.2 The Board has unrestricted access to every detainee and all immigration detention facilities and vehicles within the airport to enable it to carry out its duties, although there have been recent problems about vehicle access.

1.3 Since its establishment, the Board has conducted its work in line with the general principles of independent monitoring that have been established for prisons and Immigration Removal Centres (IRCs). On 2 July 2018 the Short-Term Holding Facility (STHF) Rules came into force which place the day to day operations of STHFs on a statutory footing. Part 7 of the Rules sets out the responsibilities of the Independent Monitoring Board (referred to in the Rules as the Visiting Committee), including the production of an annual report covering the treatment of detainees, the state and administration of the facility, as well as providing any advice or suggestions it considers appropriate. This report has been produced to fulfil that obligation.

2. EXECUTIVE SUMMARY

Introduction

This report presents the findings of the Independent Monitoring Board at Heathrow Airport for the period 1st February 2018 to 31st January 2019. IMB evidence comes from observations made on rota visits, scrutiny of records and data, and informal contact with detainees and staff. During the reporting period members undertook 58 visits to the airport holding rooms and monitored 50 removals of detainees, the majority of the latter when the person was being removed to their destination under escort.

Main judgements

Are detainees treated fairly?

During this reporting period the holding rooms and family rooms have been redecorated so that passengers being detained by immigration are now brought into a softer and more welcoming environment, where they can feel safe. Nevertheless, they are in a locked room waiting for Border Force officers to decide, after interviewing them, whether or not they will be admitted to the UK.

Almost one third of the detainees are held in custody for over eight hours and some for considerably longer. People seeking political asylum are likely to be detained for longer periods, frequently overnight. Some detainees are held for two hours or more in the arrivals halls before being admitted to a holding room. When Border Force staff are fully stretched dealing with large numbers at passport control, those being detained have longer to wait.

Unlike people detained in Immigration Removal Centres, those detained in holding rooms are denied access to independent legal advice and access to the internet. Each of these might assist their case for admission to be dealt with more quickly and fairly.

Are detainees treated humanely?

None of the holding rooms provides satisfactory overnight accommodation.

The holding rooms are unsuitable for the detention of children, whether with their families or unaccompanied, beyond the very briefest period.

Detainees are not allowed access to any medication that they have in their possession, even though this may put their health and well-being at risk.

Showers are frequently out of use because there are concerns about legionella bacteria. Detainees are rarely offered the opportunity to shower in another holding room.

Detention custody officers (DCOs) are usually kind and courteous towards detainees, including vulnerable people, but the Board is not confident that inductions are consistently carried out to a high standard. During long hours of detention, individual detainees can feel increasingly

anxious and isolated and the Board is concerned that some DCOs do not engage sufficiently with the detainees to look after their needs.

Staff are aware of the different religious and cultural needs of detainees. Some are able to speak to the detainees in their own language, but where there is no common language a translator device would be very helpful.

Are detainees removed from the United Kingdom in a respectful manner with force only applied when this is necessary?

The removal of detainees is generally undertaken in a satisfactory manner. Where detainees in escorted removals have been physically resistant, the use of force, as observed by the Board, has been proportionate, reasonable and necessary. However, where waist restraint belts are used on less obviously resistant detainees, the Board never sees the required regular re-assessment of risk and the belt is always in place until after the aircraft has taken off. This happens even to those detainees where risk of harm, both to themselves and to others, appears to reduce.

The Board's observation of a family removal showed that it was carried out with kind professionalism and with sensitivity to the needs of the child.

Some removals have to be cancelled after the detainee has already been brought to the airport because of administrative mistakes within the Home Office. The person is then returned to further detention with an extra cost to the public purse.

Main Areas for Development

TO THE HOME OFFICE

The Home Office should press Heathrow Airport Limited (HAL) to carry out the structural repairs necessary so that the female shower room at Cayley house no longer suffers from unpleasant smells (paragraph 3.4).

The Home Office should impress on the maintenance department of HAL, that repairs for which they are responsible, are completed quickly (paragraph 3.6).

The Home Office should provide each holding room with a translator device so that DCOs can interact with detainees more easily and so reduce their feeling of isolation and respond to any urgent needs (paragraph 4.7).

The Home Office should introduce phones with two handsets so that DCOs and detainees can use the Big Word interpretation more easily and with privacy (paragraph 4.8).

The Board repeats its recommendation, previously rejected, that the Home Office should provide residential accommodation for children at Heathrow so that they are not restricted to

small rooms with no natural light and no fresh air for many hours. For those waiting for turnaround flights, the family detention facility at Tinsley House is too far away for a long enough stay that would be beneficial to them (paragraphs 4.10 – 4.15).

The Home Office should improve the facilities for children and families in Terminal 5 (paragraph 4.16).

The Home Office should continue its good work inspecting the toys kept in the holding room and replacing them when necessary (paragraph 4.17).

The Home Office should arrange that detainees have access to legal advice at all times. If this is not possible, they should have the option of not being removed until they have been able to obtain such advice (paragraphs 5.6 and 5.7).

The Home Office should arrange for detainees to have sufficient access to the internet (if necessary under supervision) to be able to access information which will support their case to Border Force and also to be able to contact family and friends by using systems such as email and WhatsApp (paragraph 5.9).

The Board repeats its recommendation that there should be a residential short-term holding facility at Heathrow to provide proper humane treatment for adults detained for lengthy period, especially when these extend over 24 hours (paragraph 6.9).

The Home Office should make provision for Border Force to employ more officers so that, during busy periods, detainees do not have to wait overlong for their cases to be completed (paragraph 6.11).

The Home Office should provide a shower in Terminal 5 (paragraph 6.15).

TO THE HOME OFFICE AND THE DETENTION CONTRACTOR

As a matter of urgency, the Home Office and the Detention Contractor should establish a system to enable detainees to take prescription medicine that they have in their possession (paragraph 7.4).

The Home Office should contract with the Detention Contractor to provide a more regular transport service between the airport and Heathrow IRC, so that detainees do not have overlong waits and, if they wish, have sufficient time to go to an IRC for an overnight stay before a removal flight (paragraph 6.5).

The Home Office and the Detention Contractor should continue to work with HAL to find a solution to the problem by which showers are closed frequently because of the legionella bacteria (paragraph 6.15).

TO THE DETENTION CONTRACTOR

The Detention Contractor should ensure that information about individuals at risk is communicated from IRCs to Cayley House and that such individuals are accompanied at all times in the holding room (paragraph 4.2)

The Detention Contractor should ensure that DCOs are proactive in their care of the detainees and should re-engage with them a short while after the initial induction and then at regular intervals (paragraph 4.9).

The Detention Contractor should instruct DCOs to keep the toys tidy, the colouring pens and pencils ready to use and to inform the Home Office when replacements are necessary (paragraph 4.17).

Regarding the Halal certificates in the holding room offices, the Detention Contractor should clarify exactly which food is covered by the certificate and which is not (paragraph 5.2).

The Detention Contractor should ensure that the DCOs check that the holy books are in good condition and stored respectfully (paragraph 5.4).

The Detention Contractor should replace the mobile phones in the holding rooms for the detainees to make international calls (paragraph 6.18).

The Detention Contractor should either change the van used for transporting removees into the airport or make significant changes to improve their safety (paragraph 8.5).

The Detention Contractor should instruct the escorts on removals when using waist restraint belts to reassess the risk regularly and, if they find the risk has reduced, to remove the waist restraint belt (paragraph 8.9).

3 DESCRIPTION OF THE SHORT-TERM HOLDING FACILITIES

3.1 Each of the present four terminals (Terminals 2, 3, 4, and 5) contains a holding room where passengers arriving at the airport may be detained on the authority of Border Force on behalf of the Home Secretary. Detention may be for periods of up to 24 hours, and in some cases even longer. There is a further holding room at Cayley House, part of Terminal 3, which is used for people brought to the airport for removal.

3.2 Holding rooms are also used to accommodate people where there is a need for a further interview by Border Force. They may have returned voluntarily after one or more periods of immigration bail or have been brought back to the airport from an Immigration Removal Centre (IRC).

3.3 The holding rooms in the terminals are not a residential facility and it is the Board's view that they are unfit for detaining people beyond relatively brief periods. There are no proper sleeping facilities. Some fold-out mattresses have recently been supplied to some rooms to replace increasingly dilapidated loungers, but some rooms only have hard, uncomfortable loungers with no cushioning. The rooms are windowless with no natural light and may also suffer from fluctuating temperature, particularly sometimes being very cold at night, both in summer and in winter. The rooms contain separate accommodation for families with children, but at Terminal 5 this is only a partitioned off section of the main holding room. Apart from Terminal 5, showers are available in all the rooms, but due to recurrent episodes of concern about the presence of legionella bacteria, they are often closed for weeks at a time. There is no smoking facility, which may increase discomfort for those detained after long flights where, as is now normal, they have not been permitted to smoke.

3.4 Cayley House is a different type of facility, in that most of the men and women arriving there will have already spent varying periods of time in detention in an IRC. The contract with the Home Office allows them to be brought there for up to five hours before their flight departure time. They will then be taken to the aircraft door and travel unescorted to their final destination. The two separate holding rooms for men and for women have recently been repainted but these rooms lack natural light. Despite the re-decoration work, the Board still considers it to be an uncomfortable environment. Although there are showers, separate ones for men and women, these may be periodically unusable because of repairs being needed. There is a persistent problem with the drains, creating a pervasive unpleasant smell especially in the female shower room after periods of heavy rain.

3.5 Until 30th April 2018 the Home Office had contracted the management of the holding rooms to Tascor, a subsidiary of Capita. On 1st May 2018 a new contract began with Mitie Care and Custody Ltd. The transition was not smooth. Detainees were left waiting for transport to IRCs, one for thirty-one hours and another for over seventeen hours. New computing systems did not work properly for several weeks in some of the holding rooms. Tascor had let various contracts lapse so that some drinks machines could not be used, international phone calls were not available in some holding rooms, and simple amenities such as daily newspapers were not available for the detainees. At the end of this reporting period 31st January 2019 some,

amenities, such as mobile phones for detainees' use, still had not been restored. New drinks machines arrived in February 2019.

3.6 On the positive side under Care & Custody the terminal holding rooms have been repainted and now have groups of canvas pictures on the walls which definitely soften the environment and make the rooms more welcoming. The family rooms each have a painted mural on one wall, which are appropriate for a wide age range from toddlers to teenagers. However, the Board finds it unacceptable that it sometimes takes weeks or months to deal with defects, particularly when the responsibility lies with HAL.

3.7 Previously Tascor and now Care & Custody provide male and female DCOs to staff the holding rooms. In each terminal the DCOs work from a reasonably spacious office which is the entrance to the holding room suite. Apart from Cayley House where there is a corridor leading to the holding rooms, the offices have glass-type walls, through which DCOs can see the detainees and the detainees can see them and attract their attention. The DCOs carry handcuffs and have the authority to search people and make them surrender their mobile phones. The contract providers are also responsible for providing escorts for detainees being removed from the United Kingdom.

B Evidence sections 4 – 8

4 SAFETY

4.1 The holding rooms can reasonably be said to provide a safe environment. In most cases staff are able to keep detainees under observation, either directly or through CCTV. However, in the Terminal 3 holding room there is still a blind spot that cannot be seen either by direct line of sight or by CCTV. This is unsatisfactory.

4.2 Within the reporting period there have been two instances when detainees have attempted to self-harm. In the first a man was brought to Cayley House from an IRC, where the Medical Officer and staff had been aware that he was at risk of harming himself. This information was not passed to the Cayley House staff either in the Personal Escort Report (PER) or on their computer records (called MEDS). After arrival the man had become agitated but, when he had calmed down, he was left alone in the holding room. Fortunately, a DCO saw the self-harm activity on CCTV and DCOs were able to intervene before serious harm occurred. An investigation pointed to communication failure and the Board have been assured that new procedures are in place to prevent this in future. If a person is known to be at risk, then they should be accompanied by a DCO in Cayley House at all times.

4.3 A second incident, which could not have been foreseen, occurred when an arriving passenger, detained in a terminal holding room, attempted to self-harm using a plastic spoon. He was quickly restrained by the DCOs and sent to hospital, where his injuries were found to be superficial.

4.4 The Board has observed DCOs being proactive to keep detainees safe. For example:

- In April 2018, a man seeking asylum had told paramedics that he might harm himself, which was recorded on his IS91. Aware of this, the DCOs had placed the man in the family room next to their office to keep him under observation and to be able to intervene quickly if necessary.

4.5 The Board has observed many examples of good personal interaction between Border Force officers and detainees and between DCOs and detainees. Inductions are often carried out with good humour and explanations kindly given. There were several observations of DCOs comforting distressed detainees and some put in extra effort, for example, packing journey food for a family claiming asylum who were to travel to Glasgow, and purchasing a special meal for a fussy toddler.

4.6 Rarely are DCOs observed acting in an uncaring manner towards detainees, but there have been occasions where, after the induction, detainees have been left for long periods in the holding rooms without any staff interaction. Difficulty communicating in English and the stress of their situation often results in detainees being reluctant to make requests of the DCOs. In Cayley House, Board members frequently observe large groups of DCOs congregating in the

small office area. Unintentionally, this group of people can appear quite intimidating to a newly arrived detainee or a detainee wanting to approach the desk with a request.

4.7 The Board has observed that when the DCOs or Border Force officers are bilingual, or even multilingual, and able to communicate with detainees in their own language, then the detainees are more relaxed and better able to cope with a wait of several hours. The Big Word telephone interpretation service is used both for holding room inductions and for formal immigration interviews. However, for informal interaction where no common language can be found, DCOs usually resort to hand gestures. Since the Home Office believe that Apps such as Google Translate are inaccurate, they have been trialing a hand-held translator device, which Board members have tried out. If using a mobile phone app is not allowed, then the Board would recommend that translator devices be made available in every holding room to promote personal interaction.

4.8 For passengers being shown into a holding room for the first time, detention can come as quite a shock, so a good induction is important. The inductions observed by Board members have usually been kindly delivered with care and patience, with DCOs following their checklist. Using telephone interpretation can be a cumbersome and lengthy process, with the handset being passed back and forth between DCO and detainee. Since using a speaker phone could compromise detainee privacy, having two handsets connected to the phone so allowing a three-way conversation would improve the efficiency and efficacy of the process.

4.9 Board members monitoring the induction checklists have quite frequently reported finding a list of ticks, even against questions which were not relevant. This has given rise to concerns as to the quality of the inductions. A less than satisfactory induction was observed in May 2018:

- Rather than using the Big Word language line, a DCO opted to induct a woman using the detainee's friend to interpret via the phone. The DCO only asked the friend to explain about the search and to tell the detainee that there was food available. Then the luggage was moved to the luggage room and the detainee rushed to the toilet. At this point the DCO ticked all the boxes on the induction form save two. When the Board member queried this, he received a disingenuous reply.

As reported in previous years, some inductions are hurried with perfunctory explanations, especially when staff are under pressure. Detainees can also be feeling overwhelmed by their situation and unable to take in all that they are being told. The majority are not expecting to be detained for several hours, so they initially decline food and a phone call. The Board would like to see DCOs routinely re-engage with each detainee after they have had time to settle and to offer food and phone calls again and to answer any questions the detainee may then have. There are some excellent DCOs who already do this as a matter of course.

Detention of children

4.10 The Board considers that the holding rooms are unsuitable for the detention of children beyond the very briefest period.

4.11 The service contractor compiles monthly information on the number of children in detention. Unfortunately, the Tascor data for February – April 2018 was unavailable. From the data* provided by Care & Custody for May 2018 to January 2019 the Board has calculated that a total of 1412 children were detained in the terminal holding rooms at Heathrow. Terminal 2 had the largest numbers of children, but many of the family units were expected asylum seekers and plans for their accommodation were already in place.

Table 1: Children detained: May 2018 – January 2019 (9 months)

Location	Unaccompanied children	Family units with children	No. of children in family units	Total number of children
Terminal 2	79	298	666	745
Terminal 3	17	87	138	155
Terminal 4	47	130	202	249
Terminal 5	55	121	208	263
Total	198	636	1214	1412

*C&C have warned that there may be some inaccuracies because their figures are based on the daily count.

4.12 Looking at separate detailed individual Care and Custody data for children who were detained for over 12 hours, and just taking a few examples of longer stays, in January 2019, three children were detained for 21 hours before being taken to Tinsley House IRC and, in October 2018, three children from two different families were detained for 21 hours before turnaround removal flights.

Some examples of long stays by children which were noted by Board members during rota visits:

- In March 2018 a woman with five children aged between twelve and two years old spent 10 hours in a holding room before being taken to asylum accommodation.
- In June 2018 a woman with three children including a one-year old were detained for eight and a half hours in the holding room which combined with a wait in the arrivals hall amounted to eleven hours of detention.
- Also, in June 2018 a family of four including an 18-month-old spent 17 hours waiting for a turnaround flight.

- Christmas day 2018 was particularly busy for Terminal 2 with the arrival of six families, all with children. They were accommodated in the main holding room. A family with a four-month old baby had a 6 hours 45 wait and two families waited almost eight hours.

4.13 Children who arrive unaccompanied are a priority for Border Force. Often the complexity of their situation involving safeguarding issues and/ or concern that they may be victims of trafficking, may mean that they are detained for several hours. In addition, if they are to be looked after by Hillingdon Social Services, then they have to wait for collection by a social worker.

4.14 Some examples of detention were:

- A 15-year-old girl who was found to be a potential victim of trafficking. She was detained for two hours in the arrivals hall and then over ten hours in the holding room. Although the decision to refer to Social Services was reasonably speedy it took nearly eight hours for Social services to collect her.
- A young man who claimed to be 17, although this was disputed by Border Force, was another potential victim of trafficking. His case was complex because he was not claiming asylum and there was a risk that he would abscond if sent to Hillingdon Social Services. A Border Force director had to liaise via the British Embassy with the authorities in his home country before he could be sent back. This resulted in a very long holding room stay of 46 hours 35.

On other occasions, faster action can shorten stays.

- A 17- year old boy had arrived seeking asylum and hoping to stay with a family member but this family member did not want to accommodate him. He was collected by Hillingdon Social Services after a stay of just under three hours.

4.15 The Board accepts that the process of deciding whether a person should be admitted to the country can be complex and time-consuming, and in case of removal, it may take time to arrange a suitable flight. However, the Board believes that none of the holding rooms has facilities suitable for the detention of children beyond a few hours. While there is a suitable residential facility at Tinsley House IRC near Gatwick Airport, this is too far away for quick transport back to a Heathrow flight. There is a real need for a residential facility for children and their parents near to Heathrow.

4.16 The Terminal 5 family room is the least suitable. It is small and narrow with opaque glass which makes it seem claustrophobic. There is no adjacent toilet and the baby changing facilities are at the far end of the main holding room.

4.17 For every detained child, the DCOs fill in child care plans. They are also contracted to note observations of each child every 15 minutes on their computer records. In October 2018 a Board member together with a staff member from the Home Office undertook a survey of the facilities and amenities, including toys and activities for older children. They reported:

*Although the range and quality of toys varied across the terminals, all the family rooms would benefit from regular monitoring of the toys provided. For example, all but one of the family rooms had a small play kitchen which had been provided relatively recently but most of the play equipment which went with it (play food, pots and pans etc.) had disappeared making the kitchens redundant...
...All the holding rooms had colouring and puzzle books with crayons and the DCOs report that these are popular and well used. Some of the terminals also had large boxes of felt tip pens, but again these needed to be sorted as lids were missing and many of the pens no longer work...colouring pencils ... were blunt and needed sharpening.*

The Home Office responded quickly by purchasing replacements, small furniture and play mats and Care and Custody ensured that colouring pens and pencils were sorted and useable. The new murals on the walls of the holding rooms do make them appear much more child-friendly. The Board has since observed children playing happily with the new toys. However, these do need to be regularly sorted and stored neatly and would urge the DCOs to look at them regularly. The Board has also observed that the older children are not always offered DVDs to keep them occupied rather than watching the ubiquitous television news channel. We would urge that the DVD collections are on display so that the young people can see what is available for them.

5 EQUALITY AND FAIRNESS

5.1 DCOs have received diversity training and they are generally aware of the particular requirements of major religions and cultures. Both Border Force and the DCOs speak a wide range of languages which obviously assists communication with detainees and a telephone interpretation service is available.

5.2 To meet different cultural and dietary requirements there is a range of ready meals and there are snacks to which the detainees can help themselves. A January 2019 Board report noted new halal certificates displayed in the holding room office areas, but enquiries of C&C brought the response that only the chicken meals were halal and the meat meals were not. This can be misleading for both the detainees and DCOs offering the meals. The Board would advise that this is made clear.

5.3 Frozen kosher meals are held centrally and each holding room also has a stock of pot noodles and couscous pots which are kosher.

5.4 In Terminals 3 and 4 there are separate multi-faith prayer rooms off the main holding rooms with fixed seating. A Qibla and prayer mats are provided in all the holding rooms and copies of the Bible, the Quran and some other holy books are available, though the selection of the latter is rather odd. Sometimes the secular books can get mixed with the holy books and, in June 2018, a Board member found a book about cooking sausages in with holy books, which would have been found offensive by members of certain religions. The DCOs should regularly check that the holy books are in good condition and are stored respectfully.

5.5 Last year's report requested that calendars showing times of sunrise and sunset were placed in all the holding rooms so that detainees would be aware of times for prayer and for fasting. The Board is pleased to report that all the holding rooms do have such calendars, although it noted that one calendar was for 2017 and had to be changed. Over recent years dried dates have been provided for Muslims breaking their Ramadan fast. On May 20th, when the fast had started there were no dates available, although this was later remedied.

Independent advice

5.6 Detainees who have just arrived at Heathrow cannot easily obtain independent advice or legal advice. Their only possible route is to contact a family member or friend, get them to contact a lawyer and have the lawyer phone the holding room. The Board has very rarely observed this happening. Some holding rooms have posters advertising the services of the Offices of the Immigration Services Commissioner (OISC). A phone call to their contact number is answered by a recorded message, in English, saying that the OISC regulates immigration advisers but does not offer legal advice. It suggests trying the Law Society or the internet, which is not available to the detainee. The provision of a few telephone numbers for Community Legal advice is also inadequate as this is not a 24 hour service. This contrasts with the situation of anyone arrested and detained at a police station, and those detainees in IRCs, who have access to solicitors.

5.7 The Board has been informed by the Home Office that it is under no legal obligation to provide independent legal advice to anybody detained in the holding rooms. In previous annual reports the Board recommended that people detained in the holding rooms should have access to independent legal advice at all times and, if this is not possible, they should have the option of not being removed until they are able to obtain such advice. Detainees in the holding rooms should not be denied the resource available to others in the Home Office's immigration estate. This is discrimination against people who cannot contact anyone outside the airport. The recommendation is repeated.

Access to Wi-Fi and the Internet

5.8 Unlike people detained in IRCs, those detained in the holding rooms have no access to the Internet despite the fact that increasing numbers of them have details of their travel arrangements, bank accounts and other personal information only available electronically. The detainees have no opportunity while in the holding rooms to prepare this information for their Border Force interview.

5.9 The internet is also the modern way that most people now contact their family and friends. While one or two of the holding room offices have Wi-Fi connections and DCOs can assist detainees to use WhatsApp, other holding rooms have no such connections. Board members have observed distressed detainees who have no means of contacting their families. For example:

- A young woman had arrived with her mother for a European holiday. While her mother had been admitted to the UK, the daughter was refused entry. Mother was only contactable via WhatsApp, but this required a Wi-Fi internet connection which was unavailable. The daughter was upset and tearful. This young woman was in the holding room for 18 hours 15 minutes.

The Board repeats the recommendation that, even if it takes place under supervision of the DCOs, detainees should have access to Wi-Fi and the internet.

6 ACCOMMODATION

6.1 A brief description of the holding rooms has been given in section 3. Before expanding on the facilities, this section reports the numbers held in the holding rooms and describes the circumstances leading to detention. It also explains the reasons why lengths of stay have been up to and often exceed 24 hours.

Length of Stay

6.2 The detention services contractor compiles monthly length of stay information. Unfortunately Tascor information for February – April 2018 was not available. Care & Custody has supplied the data for the nine months May 2018 – January 2019, from which the Board has calculated the number of people detained and their lengths of stay in the different holding rooms.

Table 2: May 2018 - January 2019 (9 months) : Numbers of adults in the holding rooms

	0-8 hours	8-12 hours	12-18 hours	18-24 hours	24+ hours	Total
Terminal 2	2163	418	230	112	30	2953
Terminal 3	1339	302	171	88	38	1938
Terminal 4	1625	395	331	135	42	2528
Terminal 5	1287	336	261	137	34	2055
Total	6414	1451	993	472	144	9474
Cayley House	2709	34	8	0	0	2751
Grand Total	9123	1485	1001	472	144	12225

6.3 In percentages the figures for the terminals show that approximately 68% of detainees were held for 0 – 8 hours, 15% for 8 – 12 hours, 10.5% for 12 – 18 hours, 5% for 18 – 24 hours and 1.5% for over 24 hours. These percentages are very similar to those in the previous reporting period 2017 -2018. Terminal 2 held the greatest number of detainees.

6.4 The main factors affecting length of stay in the holding rooms by passengers who have just arrived in the United Kingdom, are:

- Time taken by Border Force to complete casework and decide what is to happen to the person. This will depend on the complexity of someone's circumstances, including the possible need to contact third parties, such as an employer or college, and the need to use telephone interpretation.
- For those being returned on a flight, the time taken by the Home Office to arrange a flight with the carrier, and then the flight's departure time.
- For those to be detained at an IRC, the time taken by the Home Office to allocate accommodation and by Care and Custody to collect them to go there. The present contract gives Care and Custody eight hours from the issuing of a movement order in which to collect the detainee.
- A few lengthy stays will be of people who have returned for a further interview by Border Force having been detained in an IRC, or who have previously been given immigration bail.

6.5 If a passenger is refused entry and has to return to where their flight departed, this can lead to a long wait in the holding room, as the carrying airline required to return them may not operate a frequent service. Anyone detained from late afternoon onwards is most unlikely to be returned before the following day so will have to spend a night in the holding room. If there is sufficient time some detainees may be taken to Heathrow IRC to allow them to rest or sleep but waits of up to eight hours for collection may make this impractical or create a situation where somebody has to be brought back to the airport after only a brief stay at the IRC.

- A lady had arrived in the holding room at 19.35 but did not leave for the IRC until 06.15 the following morning. She was collected from Heathrow IRC at 15.00, arriving back at the terminal at 16.30, even though her flight was not until 22.30.

Some are not collected at all.

- In October 2018, transport arrived too late to collect a man for an overnight stay, so he spent 16 hours in the holding room.
- In November 2018, the failure to collect a man for an overnight stay was due to staff shortages and resulted in his 22 hour stay in the holding room.

The Board considers that Care and Custody should provide a more regular transport service between the airport and Heathrow IRC to resolve such situations.

C&C staff shortages can also lead to disrupted nights and longer waits for flights at Cayley House:

- A lady at Cayley House arrived from Yarl's Wood IRC at 01.00 hours for a flight not departing until 10.25. Care and Custody explained that, because of the availability of female officers, she had to be brought early by a night crew rather than a day crew.

Detention of asylum seekers

6.6 Many asylum-seekers are vulnerable and include people who have experienced civil war and other extreme privation. They may feel isolated, speak limited or no English, and are likely to be fearful of being returned to their country of origin. While unaccompanied children

and family groups with children and grandparents are given priority by Border Force, single people seeking asylum may be detained for a long time, often longer than other detainees.

6.7 Those seeking asylum often arrive at passport control in the evening and cannot be referred to the Home office's National Asylum Assessment Unit (NAAU) until it opens at 09.00 hours. The need for an interpreter may cause further delay and, even if temporarily admitted, there may be a further lengthy period of waiting until transport to their accommodation arrives, even though the latter is supposed to have regular pick-up times. Some asylum seekers still end up being sent to an IRC under the Detained Asylum Casework system.

6.8 Some examples of lengthy periods of detention were:

- In March 2018, a Chinese woman had arrived at 20.15 but was not collected by transport to asylum accommodation until 03.00 hours, a day and a half later, having a holding rooms stay of almost 30 hours. This was blamed on an administration error regarding transport.
- In May 2018, a lady from Kazakhstan was interviewed in an evening, referred to the NAAU in the morning but not picked up by transport until 17.35, a stay of over 27 hours.
- A woman from India had been refused permission to work and had applied for asylum. She was to be sent to IRC detention, with the expectation she would be fast-tracked and returned. She had a 26 hour stay before collection to go to Heathrow IRC.
- In December 2018, a man from Iran experienced a holding room stay of 31 hours. Although he had arrived early afternoon, Border Force had been unable to complete their screening processes before the NAAU closed for the day. The following day NAAU could not make an accommodation decision until 17.00 because of safeguarding issues.

Such complexities mean that those seeking asylum may stay well over the 24 hours that is now the statutory maximum imposed by the STHF rules.

6.9 The Board has long held the view that there is a strong case for the establishment of a residential short-term holding facility at Heathrow to provide proper humane treatment for those detained for lengthy periods of time. It is aware of the Home Office view that the start up and running costs for such a facility would be prohibitive given the anticipated usage but believes that the numbers involved, as has been described over several annual reports, certainly justify the case. This report repeats the point that even improved holding rooms will not provide satisfactory overnight accommodation for the substantial number of people detained at Heathrow, especially those detained for extended periods.

Waiting in the arrivals halls

6.10 The figures above do not include the time that detainees may already have spent waiting in the arrivals hall before being admitted to the holding room itself. While people with obviously complex cases are admitted to the holding rooms quite quickly, others are held in the arrivals hall for up to two hours or more. Border Force argues that in many instances it is better to try to sort out admission problems without taking people into formal detention where regulations require that they be searched, photographed, and finger-printed, and where they

also lose easy access to their mobile phones and personal computers. However, sometimes the heavy pressure on Border Force staff to deal with large numbers of passengers presenting at passport control means that they do not have sufficient staff to deal with the detainees who have already been stopped and are then waiting.

6.11 During this year the Board have observed many instances of very long stays in the arrivals halls before transfer to the holding rooms. To give just two examples:

- On 20th November two unrelated Terminal 3 passengers were detained in the arrivals hall for four hours and over.
- On the afternoon of 10th December, at Terminal 5, five unrelated passengers were detained from between two hours and over five hours.

Food and drink

6.12 In all holding rooms there is a good selection of micro-waved hot meals, snacks and fruit available, (though fruit baskets could sometimes benefit from being more quickly replenished and rotten-looking fruit discarded), with vegetarian, and as mentioned in Section 5, halal and kosher options. In May when Care and Custody took over the contract, there was suddenly a dearth of fruit, but supplies have been restored.

6.13 There are water fountains in all holding rooms although the one in T4 is often out of use. There are also machines for hot drinks. In Cayley House and Terminals 3 and 4, the drinks machines are actually in the holding rooms so that the detainees can help themselves. In Terminals 2 and 5 the machines are situated in the DCOs' office so the detainees have to ask for drinks if they are not offered regularly. Throughout the reporting period various of the machines were not working, some for long periods. In the meantime, DCOs made hot drinks and supplied bottled water as necessary. In February 2019 Care and Custody provided new drinks machines for all the terminals.

Loungers

6.14 Once in the holding room many passengers may need to sleep. Blankets and pillows are provided. However, the seating in the holding rooms is uniformly hard without cushioning. In the fairly recently re-furnished Terminals 3 and 4, the only loungers provided were rigid, uncushioned, narrow and Z shaped. The detainees almost all preferred to sleep across the rows of hard seats. Sometimes DCOs were able to provide old cushions to give some comfort. In Terminals 2 and 5 old softer loungers were being removed because they were worn out. The Board is happy to report that after their extensive communication about this, the Home Office have managed to source inexpensive, cushioned fold-out mattresses that are lightweight, and easily replaceable if they wear out. These have now been provided in Terminals 2 and 5, where detainees have been using them. The Board has been told that more have now been ordered for Terminals 3 and 4. These changes are welcomed.

Showers

6.15 There are showers for the detainees to use in Terminals 2, 3 and 4 and in Cayley House. Unfortunately, throughout the year, the weekly Board visits reports have recorded that one or more of the showers in the holding rooms were out of order. This was mainly due to checks for the legionella bacteria. While it is clearly appropriate that immediate action should be taken to prevent health risks, the Board finds that the frequency of test failures and the length of time to rectify these is unacceptable. To give just a few examples:

- T2 showers were out of order on 4th December and out of use on 24th January – seven weeks later.
- Both showers in T3 were out of use on 4th December and at least one was out of use on 6th January.
- In T4 we observed both showers out of use on 30th July and the family shower was also out of use on 18th September.

When showers are out of order, the Board observes that it is rare for DCOs to offer long-staying detainees the opportunity to go to another Terminal or to Cayley House for a shower, although it does occasionally happen.

Since the end of the reporting period, the Board have been told that the Home Office is working with HAL to find a solution.

The Board repeats its recommendation that there should be a shower in the Terminal 5 holding room.

Smoking

6.16 Although detainees are not allowed to smoke, nicotine lozenges are available and there are usually sufficient stocks in each holding room.

Telephones

6.17 For security reasons, detainees are not allowed to use their smart phones which contain cameras. A payphone is available in each holding room and a usual procedure is for a DCO to make a phone call to the family member or friend of the detainee giving the holding room telephone number, so that they can ring the detainee. If the holding room is busy, several people may all want to use the phone and there is also a lack of privacy.

6.18 Tascor had eventually resolved the problems by providing two mobile phones for each holding room allowing detainees to make free five-minute international phone calls. When Mitie Care & Custody took over, the mobile phone contract lapsed. C&C have been negotiating a new contract for these phones, but this had not commenced by the end of this reporting period.

6.19 Phone cards are available to call countries where other phone contracts do not work. A survey in January 2019 by a Board member showed that each holding room had at least a couple of phone cards, but some of these were already partially used. On visits Board members occasionally meet detainees unable to make phone calls due to a lack of cards. As mentioned in Section 5, access to Wi-Fi might overcome such difficulties.

7 HEALTH ISSUES

General health issues

7.1 If a person detained is demonstrably unwell, one of the London Ambulance Service's paramedics who patrol the airport can be summoned. If there is any doubt as to the person's condition they are taken to hospital. The Board sees many examples of good practice by DCOs dealing efficiently and empathetically with people's medical problems and seeking outside help and advice when this is necessary.

7.2 Until August 2016 it was normal practice that people detained were allowed to take medication they had with them, provided it was clearly labelled and identifiable, and the DCOs were able to check on its safety and suitability on a medical help line. However, Tascor then issued instructions to its staff that the facility had been withdrawn because of medical advice received that it was dangerous for information like this to be given over the telephone without the person being seen by a doctor. This included over the counter medication such as paracetamol for pain relief. The situation has continued with Care and Custody staff and Border Force staff receiving the same instructions. For a detainee to be able to have their prescribed medication or over the counter medication, the DCOs have to call the airport paramedic service to attend and agree the suitability of the medication. Understandably the DCOs are reluctant to keep calling out this emergency service and the paramedics are unwilling to attend when it is not an emergency.

7.3 The Board has observed detainees and their families particularly anxious or upset because their medication cannot be easily accessed. For example:

- A five-year old boy with autism and other health difficulties was very distressed. His parents were concerned about his regular medication, which DCOs explained, they could not give him. There was discussion about calling paramedics, but as the child began to settle they were not called. The holding room stay was six hours 20 minutes.

Sometimes the Port Medical Inspector is asked about medication. Practice is variable, particularly concerning medication for diabetes, which is sometimes allowed. The Board has come across incidents of medication for this being taken while the detainee was in the care of Border Force but this information was not communicated to the DCOs on the IS91s. If the DCOs are required to exercise a duty of care, they need to be informed of the medication taken.

7.4 The Board has been extremely concerned about the issue, especially with regard to the impact on those detained who have to take medication on a regular basis, for example people suffering from asthma, diabetes or epilepsy, and people who have to take medication regularly to prevent recurrence of a heart attack or stroke. The Board has been raising this concern with the Home Office over the last two or more years. The Home Office keeps saying that they are taking the matter seriously but no resolution has been forthcoming. The Board considers the lengthy continuing delay in resolving the matter to be unacceptable.

7.5 Aircraft interiors are not healthy environments and it would not be unusual for any person to seek medical relief after flying, especially if the latter has been long-haul. In some cases problems about the need for pain relief are further exacerbated when the person has to spend several hours in the holding room. In response to suggestions from the Board the Home Office trialled the provision of cool strips in the holding rooms, as these can relieve headaches and fever. These have proved very popular, although there has been concern that they are slow to be replaced when stocks run out.

Mental health issues

7.6 Recent reports have documented the Board's concern about people arriving in the UK with evident mental health problems who have been detained in the holding rooms for many hours. This was mainly because it was extremely difficult to find appropriate accommodation for them, particularly if they were seeking political asylum. At the beginning of this reporting period there was a very concerning example:

- A mentally ill man was kept in the holding room for over four days. Initially the man was seeking political asylum. The Home Office deemed him unsuitable for detention because of his obvious illness, and the situation was not assisted by the man's refusal to co-operate with any medical assessment. Much negotiation took place with various mental health authorities before anybody came to the airport to see him. Eventually the man did withdraw his asylum claim and was detained in an IRC, but it was an extremely unsatisfactory outcome.

Just at the end of this reporting period the Board was informed by Border Force that they have a new protocol for processing cases of people with mental health issues. The Board was supplied with a copy of the Mental Health Toolkit on 27th April 2019. With this protocol in place it is hoped that mentally ill people will no longer be subjected to long stays in the holding rooms while suitable accommodation is found.

7.7 The Board has observed cases where Border Force has taken great care to ensure that vulnerable people are not a risk to themselves before admitting them to the UK.

- A Dutch lady with a history of poor mental health had travelled without the knowledge of her family. Border Force had detained her for her own safety to ensure she had capacity to look after herself. After interview she was allowed entry.
- A German woman was on medication for a psychiatric illness. She had been refused entry previously because she had been reported missing and having arrived with a large amount of money she was at risk of becoming a victim of crime. Medical authorities were consulted. On this occasion she was more lucid, had a good understanding of her condition and was on appropriate medication. She did not pose a risk to herself and was not refused entry.

8. REMOVALS

8.1 The Board monitors the removal of detainees from the United Kingdom through Heathrow Airport up to the point when the aircraft door is closed. Some of these people fly “unescorted” in the sense that they are brought from an IRC to Cayley House, are taken to the aircraft by DCOs and then fly by themselves. These are known as in-country removals and the vast majority of these are completed successfully. Any hitches that occur are likely to be at Cayley House, if the person refuses to go, perhaps because there are continuing legal proceedings. They will then be returned to detention without any further attempt being made to remove them at that point. Occasionally there are administration errors, with detainees arriving at Cayley House to find that passports or travel documents are missing, or the removal has been booked for another day. This is disappointing and potentially stressful for the person already prepared for their flight to find themselves returned to an IRC until another removal flight is booked.

8.2 Other detainees are escorted during the flight to their final destination, wherever in the world that may be. These are known as escorted overseas removals and usually take place because the person may have refused to go voluntarily, is assessed as presenting a risk to themselves or to others or is being deported having served a prison sentence for a serious offence. The escorting team, which was usually Tascor staff until 30th April and thereafter Care and Custody staff, usually comprises a lead and two or more other escorts, plus somebody with medical training if there are any anticipated health-related issues. The team is usually larger for longer journeys or if it is anticipated that the removal will be problematic.

8.3 The procedure is for the team to collect the detainee from the IRC and stay with them throughout the journey until they reach their destination airport. To monitor an escorted removal a Board member usually arranges to meet the removal party at Wilson James, the facility where detainees are brought for the luggage search and personal search prior to airport entry. Practice over several years has been for the Board member to sit in the van, in the row behind the detainee, (next to a medic if present) from where they were able to observe the interaction between the escorts and the detainee, so observing the latter’s demeanour and the way they were treated. They continued to observe the removal during the boarding of the aircraft and the seating of the removee, before leaving the aircraft themselves.

8.4 In summer 2018 Care and Custody introduced a new fleet of vans to transport removals into the airport. The vans are smaller and narrower than the vans previously used. They have one less seat in the front and insufficient baggage space in the back. The configuration of the six seats in the main cabin has also changed, so that in place of the two front-facing bench seats are one rear-facing and one front-facing bench, so that passengers are facing one another. This has

had an impact on the Board's ability to monitor because if the removee's behaviour gives cause for concern the lead escort is reluctant for a monitor to be seated where they can be kicked or be otherwise in the way if, for example, the removee puts up a struggle. Instead, rather than travel in the van, the Board member meets the van and the removee at the airport and only has a limited amount of time to assess the nature of removal and whether any use of force is justified, proportionate and necessary.

8.5 Other problems with the new vans have been repeatedly reported to Board members by the escorts. The HOMES training for the escorts has been based on managing violent people on the two front-facing benches and not the new configuration. The accompanying medics used to sit in the back row, but now sit facing the detainee and so are much more exposed to any violent behaviour. The sliding doors are narrower, making it more difficult to remove the detainee. These doors cannot be opened from the inside by the escorts, which could be a safety hazard in case of an accident. The tinting of vehicle windows is far less than previously and, with the new harsh lights, outsiders can view the occupants including the detainee.

8.6 If a detainee is resistant to being removed, the escorts are authorised to use waist restraint belts (WRBs), to restrain the use of arms, leg restraints, and rigid handcuffs and to apply pain to gain compliance. This year the Board have observed several removals where leg restraints have been used and removees have been carried in a four-man lift either up the back stairs into the aircraft or from the air-bridge and down the aisle to the allocated seats at the rear of the aircraft. While it is never pleasant to monitor this, it is the Board's opinion that their observations of the use of such manoeuvres has been reasonable, necessary and proportionate in the vast majority of cases. All our members attend a one-day training course, run by the Prison Service's National Tactical Response Group to increase their awareness of the techniques being used.

8.7 Some examples of the use of force observed in rota visits were:

- Just when he was being seated on the aircraft, a removee managed to head-butt the escort next to him, catching him on the jaw. Forced into his seat the removee continued to writhe and doubled over. The escorts had to keep his body upright, for his own safety, and they applied a few seconds of pain control.
- The removee was conducting a dirty protest and had to be carried on to the aircraft. He physically resisted, refused to sit down and broke his hand free from the webbing of the restraint. There was a very brief struggle and an escort applied a rigid cuff bar to make the removee sit down. This cuff was released as soon the man was seated and his seat belt secured.

In each of these cases the Board member monitoring reported that they considered that the use of force was appropriate, proportionate and necessary.

8.8 Not all removals are successful. The Board has observed many removals where the removee has been in the van on the tarmac next to the aircraft, but the Captain, having been

briefed, has not given permission for the boarding. Sometimes this is because the flight is particularly full or has many children aboard or that paying passengers may be distressed. On other occasions the boarding has been allowed, but the removee has remonstrated so loudly that the Captain has been so concerned for the comfort of the other passengers that they have ordered the removal party off the aircraft. On these occasions the removee is taken back to an IRC.

8.9 While the approach to the most physically resistant removees is proportionate and consistent, the Board is concerned that use of the waist restraint belt is used rather more frequently than necessary on removees who just state that they are unhappy about returning. Home Office instructions state that dynamic risk assessments should be carried out throughout the removal and consideration given to removing restraints when possible. However, once the waist restraint belt has been put on, it is usual practice that the escorts will not remove it until the flight has taken off. The Board has never observed the restraint being removed from calm and cooperative removees before boarding.

- In July 2018, asked why a man was in a WRB, the DCO replied that he had said that he did not want to go and that was the only reason for him being in a WRB (restricted position). He was not demonstrating any sign of resistance.
- In November 2018, whilst the van was waiting at the aircraft steps, the escorts removed the man's WRB so that he could change his clothes. The WRB was then replaced. Since the man was fully co-operative, there was a query as to whether the restraint was necessary at that point.

Family removals

8.10 The Board is informed in advance of all cases where families are to be removed from the United Kingdom. However, many are cancelled at the last minute and only one family removal was observed by the Board this year, in contrast to 2017-2018 when four were monitored. Removals are always carried out by a large dedicated family removals team, which allows each child to have their own escort. Board members have always been impressed by the professionalism of these teams, in particular the care given to the welfare of the children involved and the way children are protected from having to see use of force by escorts should a parent become resistant.

8.11 The observed removal was of a mother and her very lively five-year old son, with a constantly runny nose. The mother was not physically resistant but she was hoping to halt the removal. The little boy was active from the time of their early morning pick-up until they boarded the aircraft at 21.30. He had a dedicated female escort who had been with him from the start, but various of the team of five escorts and a medic took turns to play and fully engage with the child whilst on the coach journeys and during a two and a quarter hour stay at Cayley House. They also kindly attended the mother who did not wish to eat at all but who wanted to speak to someone from immigration, hoping that her son's rhinitis and need for surgery would halt the removal. A Border Force Officer came to speak to her privately and explain that the

removal would continue. The mother was very disappointed and weary but her son was still running around whilst they waited for about half an hour on the air bridge before boarding the plane. The report concluded:

This was a professionally handled family removal. All the escorts engaged well with the mother and gave her plenty of support. The polite little boy was extremely active but the escorts took turns to keep him happy, staying very patient and playful, despite the limiting surroundings.

8.12 The removal procedure of Operation Perceptor was mentioned in the Board's last annual report as a cause for concern. This involved people who had exhausted their claims to stay in the United Kingdom being brought directly from reporting centres to the airport for removal. It ceased this year.

9 The Work of the Board

9.1 Most weeks two members of the Board visit Heathrow on separate days. One makes an unannounced visit to the holding rooms to monitor the facilities and to talk to the detainees. The other observes people being removed, usually monitoring an escorted removal. After each visit a report is circulated to the Home Office, Border Force and until 30th April to Tascor and thereafter to Care and Custody. The Board appreciates the responses it receives to the issues raised.

9.2 The Board Chair and Vice-Chair attend the Quarterly Heathrow Detention Board, which is convened by Border Force and is attended by representatives of Border Force, the Home Office and Care and Custody. Although these meetings had lapsed they restarted in October 2018 and a second was held in January 2019. These have been very useful fora for the agencies and the Board to raise matters of concern and to find ways of working to resolve issues. The Board Chair and Vice-Chair have also held individual meetings with Border Force, and with the Home Office and with Care and Custody which have all been very useful and led to generally improved conditions for those in detention.

9.3 At the beginning of the reporting period the Board had ten members. Very sadly one of our members died in May. Another member retired in December when his IMB tenure was completed. A recruitment campaign in autumn 2018 eventually resulted in the recommendation of just two candidates, who are yet to receive ministerial approval for appointment. A second recruitment campaign was planned for February-March 2019.

9.4 New Board members are required because the Home Office has asked the Board to extend its monitoring brief to include the STHF at London City Airport and the STHFs at the reporting centres of Eaton House and Becket House. The Chair and Vice-Chair have made preliminary visits to these new venues with the plan to begin regular monitoring in Spring 2019.

9.5 Two members of the Board are members of the Independent Monitoring Boards Charter Flights Monitoring Team, one of them its convenor. During the reporting period these team members monitored Home Office charter removals to Lagos and Accra, Albania, Islamabad and to destinations within the EU. The team's work is described in its own annual report.

9.6 The Board's Vice-Chair has been appointed as the IMB's regional representative for Short Term Holding Facilities.

BOARD STATISTICS

Recommended Complement of Board Members

Not fixed

Number of Board members at the start of the reporting period

10

Number of Board members at the end of the reporting period

8

Total number of Board meetings in reporting period

12

Total number of visits to the Establishment

108