



Annual Report
of the
Independent Monitoring Boards
Charter Flight Monitoring Team

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Monitoring fairness and respect for people in custody

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INTRODUCTORY SECTIONS

1 THE ROLE OF THE CHARTER FLIGHT MONITORING TEAM

1.1 The charter flight monitoring team (CFMT) is appointed on an administrative, non-statutory, basis under the terms of the memorandum of understanding and service level agreement ('MOU') between the Home Office Directorate of Immigration Enforcement (HOIE) and The National Council of Independent Monitoring Boards, signed in November 2016.

1.2 Under the MOU:

- 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 handover to local officials at the overseas destination.
- Best practice for CFMT members monitoring a particular flight is 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 2019, during which there was a significant reduction in the number of enforced removals by chartered planes.

2.2 The CFMT monitored charters to Switzerland and Germany (January), Jamaica (February), Germany and France (July), and Germany and Kosovo (November). In September, the CFMT monitored an operation to West Africa from the staff muster until the returnees had boarded the plane. The removals in January, July and November were Dublin Convention¹ operations.

2.3 Professional interpreting services for Dublin Convention returnees were more consistently provided during parts of the removal process than the CFMT had previously observed. Set against this positive was the lack of clear evidence that this cohort of returnees was properly and consistently prepared for enforced return to mainland Europe, the continued high level of use of restraint and/or of force on many of them, and other dehumanising aspects of one particular operation. HOIE's oversight of its escorting contractor's performance on the day remained patchy, across all the operations that the CFMT monitored.

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.

2.4 The CFMT's evidence comes from its own observations, scrutiny of records, contact with HOIE officials, and contact with escorting staff and some returnees. Figures on the numbers of returnees removed are set out in the Appendix to this report.

3 MAIN JUDGEMENTS

3.1 **Are returnees treated fairly?** Some returnees were treated fairly. 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 (see paragraph 6.2.3). The CFMT questions whether use of the WRB in these circumstances satisfied this criterion of fairness.
- No access to interpreters for non-English-speaking returnees at a critical juncture – that is, when they reached the tarmac and were required to get onto the plane (see paragraph 6.3).

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

- Use of restraint and/or force inappropriately (see paragraph 6.4).
- Two returnees who had self-harmed shortly before being transferred to the escorts' custody presented to the escorts before their injuries had been medically treated and/or in a semi-naked condition (see paragraphs 6.7.1 to 6.7.3).
- The possibility that Dublin Convention returnees might be more fearful of the consequences of removal than returnees going back to their own countries of origin was not drawn to escorts' attention at staff muster until November 2019, although HOIE had accepted the CFMT's related recommendation in each of its 2017 and 2018 annual reports. This first mention was welcome, but long overdue (see paragraphs 6.2 and 6.2.7 (fifth bullet point)).
- The example secondly cited in paragraph 3.1
- Some returnees were again confined for hours in coaches (see paragraph 6.9).
- Many returnees were not offered access to a lavatory immediately before leaving their IRC (see paragraph 6.5.4).
- All Dublin Convention returnees were transferred to the escorts' custody during the night. The returnees to Jamaica also travelled to the airport during the night (see paragraph 6.8).
- Only a handful of returnees were offered a pillow on the plane (see paragraph 6.13.1).

3.3 **Are returnees prepared well for their removal?** As in 2018, Dublin Convention returnees appeared to be ill-prepared for their removal to the member state with responsibility for dealing with their asylum applications (see paragraphs 9.1 to 9.6).

3.3.1 HOIE's 'charter flight information booklet' was generally available in English. It contains useful information about what will happen during the removal process on the day, as well as information more relevant to steps to be taken during the preceding days.

4 RECOMMENDATIONS

TO THE MINISTER

4.1 The HOIE escorting contract performance monitoring team must be better resourced – a CFMT recommendation made in 2017 and again in 2018. In response to the latter, the then minister told the CFMT in her letter that she was ‘assured by officials and presently satisfied that we have this balance right. That is not to say, however, that there are still not areas for improvement, and assurance procedures continue to be reviewed’. Contemporaneous oversight by this team of all aspects of the escorting contractor’s performance on the day is still required (see paragraphs 6.1 and 6.1.1).

4.2 Last year, the CFMT recommended that use of airports far from the IRCs in the South-East (where returnees are detained for a charter removal) be discontinued. The recommendation was rejected, but is repeated here. Alternatively, charter parties should be assembled in an IRC closer to the selected distant airport (see paragraph 6.2.9 (first and third bullet points)).

4.3 The CFMT considers that the treatment of the second man cited in paragraph 7.7.1, and of the men cited in each of paragraphs 6.7.2 and 6.7.3 was inhuman and degrading in relation, at the very least, to the condition in which each was presented to the escorts. The minister is asked to note the CFMT’s grave concerns. The CFMT reported these concerns to the director of detention and escorting and to the head of operations on 4 August 2019.

4.4 The minister is also asked to note:

- the CFMT’s assessments in paragraph 6.4
- paragraphs 9.4 to 9.6.

TO HOIE

4.5 Contemporaneous authoritative oversight of your escorting contractor’s use of force and restraint remains imperative. The CFMT, again, did not observe consistent compliance with policy. Reliance upon poorly written reports is unsatisfactory (see paragraphs 6.1.1, 6.2.3, 6.2.4 and 6.2.9).

4.6 Professional interpreting services must be provided to all Dublin Convention returnees at every stage of the removal process on the day, including airside at the airport as they are about to board the plane (see paragraphs 6.3 and 6.10).

TO HOIE AND TO DETENTION OPERATIONS

4.7 Use of IRC staff dressed in full personal protection equipment (PPE) when they present a returnee for transfer to escorts' custody must be kept under constant review (see paragraphs 6.2.5, 6.2.6 and 6.5.1).

4.8 No returnee should be presented to the escorts for removal while semi-naked (see paragraphs 6.7.2 and 6.7.3).

4.9 No returnee who has just self-harmed should be presented to the escorts before receiving medical attention (see paragraphs 6.7.1 (second man cited) and 6.7.3).

4.10 Dublin Convention returnees must be told in a language they understand what to expect upon arrival in mainland Europe.

4.11 The Home Office Detainee Engagement Teams, based in the IRCs, must explain the contents of the leaflet referred to in paragraph 9.4 to all such returnees at the point of detention – again, in a language they understand.

4.12 These teams must continue to offer the charter flight information booklet and explain its contents to all returnees in advance. The CFMT understands that such an instruction was given for the first time shortly after the end of the reporting period. They should also offer such resettlement literature as is available in advance (see paragraph 9.7).

TO THE ESCORTING CONTRACTOR

4.13 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 (see paragraph 6.5.4).

4.14 Returnees should not be confined in coaches for hours. The first and last components of time spent in coaches (collection and then hanging around at airports) must be better managed, to minimise in-coach confinement (see paragraph 6.9).

4.15 The escorts must be instructed to explain the contents of the charter flight information booklet to all returnees, with assistance, where needed, from interpreters (see paragraph 7.3.1).

4.16 All returnees should be offered a pillow and (subject to risk assessment) a blanket on the plane (see paragraph 6.13.1).

4.17 Some of the coaches hired were not properly equipped. They should be appropriately fitted out from the outset (see paragraph 6.11).

5 ORGANISATIONS INVOLVED IN THE REMOVALS

5.1 Mitie Care and Custody Limited was HOIE's escorting contractor. Some positive changes in working practices, which they had introduced in 2018, now appeared to be established. They hired the coaches which took returnees from their IRCs to the airport.

5.2 The aircraft were chartered by HOIE. Healthcare services were provided by IPRS Aeromed. The Dublin Convention removals were managed by the Third Country Unit of the Home Office.

EVIDENCE SECTIONS

6 SAFETY

6.1 HOIE's contemporaneous oversight of the escorting contractor's performance on the day. This was, again, patchy. Returnees were collected from three IRCs for each of the operations in January, February, July and September, and from two in November. A HOIE contractor performance monitor observed a collection at one IRC in each of the January, February, July and November operations. In July, the same monitor travelled on to the airport and observed returnees getting onto the plane. In November, the contract monitor travelled onto the airport and flew.

6.1.1 In the absence of contemporaneous authoritative oversight, HOIE's assessment of the propriety of use of restraint and/or force appears to rely on post facto analysis of video evidence and of the escorts' reports. The CFMT considers that these sources do not always provide HOIE with all the requisite evidence. Examples include:

- There was no video evidence at a critical juncture towards the end of the July operation, and the escorts' reports painted an incomplete picture. An HOIE official told the CFMT in September 2019 that, as a result of the lack of video evidence, the escorting contractor had been advised to use body-worn cameras on disembarkation thereafter. The next flight that the CFMT monitored was in November; disembarkation was not filmed.
- The quality of some of the escorts' reports was poor. The CFMT picked up discrepancies in the reported duration of restraints, inconsistencies between reports on the same event, and poor reporting of attempts to secure compliance by using techniques specifically intended to cause pain.
- It was difficult to gauge the reality of attempts to de-escalate prior to the use of restraint or of force from a report unless it included clear, meaningful evidence to substantiate the routine tick.
- The form of report (used when a returnee cooperates when the WRB is fitted) did not include a section in which to record attempts to de-escalate before the decision to use the WRB was taken.

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

- 25 (86%) of the cohort of 29 in January
- 8 (27.5%) of the cohort of 29 in February
- 17 (nearly 71%) of the cohort of 24 in July
- 1 (10%) of the cohort of 10 in September
- 5 (62.5%) of the cohort of 8 in November.

Dublin Convention returnees' asylum applications fall to be determined by the European jurisdiction to which they are returned. They face an uncertain future. In the CFMT's observation, many appeared fearful. Many tried to resist removal on the day, some going to extreme lengths. Nonetheless, the continued greater use of restraint and/or of force on them than in other removal operations that the CFMT has observed remains a grave concern. In the CFMT's view, there is a possible link here with communication issues (see paragraphs 3.1 and 6.3) and proper preparation for removal (see paragraphs 9.1. to 9.6).

6.2.1. 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
- 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.

6.2.2 Some returnees cooperated as the WRB was put on. The compliance of those who did not was achieved by prior application of a rigid bar cuff (with sometimes pain applied through it), usually promptly released once the WRB was on. Some were also subjected to other pain-inducing techniques during the removal process. Some were put into leg restraints, typically at the airport, and carried onto the plane.

6.2.3 The CFMT assessed that the use of the WRB and of force was reasonable, necessary and proportionate in many, but not all, instances. The policy is set out in Detention Service Order 07/2016, entitled 'Use of restraint(s) for escorted moves'. It states that there is a presumption against use of restraint. This approach was not consistently followed. The CFMT observed, as it had in 2017 and in 2018, 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. The CFMT assessed that the use of the WRB at the point of collection from the IRC was neither reasonable nor proportionate in 14 cases.

6.2.4 In addition, some poor reporting of pain compliance techniques used once a returnee was on the plane made it impossible for the CFMT to gauge who did what, when, why and for how long.

6.2.5 Some returnees were presented to the escorts by IRC staff in full PPE, including helmets with visors – riot gear in reality; this was an intimidating start to their journey (see paragraph 6.5.1). The CFMT was concerned that 19 of the February returnees were so presented. The senior escorts greeting these men made different dynamic risk

assessments to those of the IRC staff; nine were not put in WRBs at the point of collection.

6.2.6 The CFMT asked HOIE's head of operations whether he was satisfied that the use of IRC staff in full PPE in February had been founded on appropriate risk assessments. After review, he replied that he was satisfied that risk assessments had been conducted ahead of the decision to deploy staff in PPE, but that the use of full PPE may not have been strictly necessary in every case. He said that his teams would be monitoring this closely in the future.

6.2.7 The briefing to escorts at the staff muster is led by the senior officer in charge of escorting on the day. Instructions and alerts are given. This can heighten the apprehension of problems, particularly to escorts with no charter experience. They were offered separate additional briefings, which the CFMT did not observe. The senior officer went through a checklist at the full muster. Points noted by the CFMT about escort briefings:

- The briefing in January was rushed – indeed, gabbled.
- The briefing in February included a description of some of the returnee cohort as being 'highly disruptive troublesome characters and volatile' – possibly accurate.
- The briefings for the Dublin Convention removals did not alert staff to the availability of professional interpreters, although senior escorts were, presumably, aware of these.
- At the briefing in September, the senior officer spoke calmly, in a measured way. One of his instructions to staff was that every returnee be told that he/she would be filmed not only boarding the plane, but also walking through it to the seat. The CFMT had not heard this emphasis before, and welcomed it. The need to communicate this detail to returnees was one of the CFMT's previous recommendations. Unfortunately, the point was not repeated at the November briefing.
- The briefing for the November Dublin Convention removal referred explicitly, and for the first time, to the vulnerability of this group of returnees (see paragraph 3.2.3 (third bullet point)).

6.2.8 The briefing at full muster was later supplemented by the senior escorts in charge of collections ('the coach commanders'). Their briefing was given in the coach en route to the IRC. The CFMT observed that the approach of coach commanders was idiosyncratic; some emphasised relevant considerations, others were short on content.

6.2.9 DSO 07/2016 requires that restraint 'should be used for the minimum amount of time'. The CFMT observed (as it had in 2017 and in 2018) that returnees in a WRB remained in it until after the plane had taken off, typically hours after the belt had been fitted. The CFMT continues to have difficulty in reconciling this standard approach with the policy requirement. The worst examples include:

- At least 16 returnees in January were kept in their WRBs until presented to the receiving authorities in Switzerland or Germany.
- Eight returnees in July were kept in their belts until presented to the receiving authorities in Germany.
- Two returnees in February spent nine hours 45 minutes and 10 hours, respectively, in WRBs fitted at the IRC, each released soon after take-off. That flight was from an airport far away from the IRC at which they had been collected. The duration of the use of restraint was lengthened by technical problems which delayed take-off by 90 minutes.

Staff were instructed at four of the five musters that the CFMT observed that justification for continued use of restraint must be recorded in the returnee's person escort record (PER). The CFMT read a great many PERs over the reporting period and found no evidence that this instruction was complied with. It was impossible, therefore, to gauge whether the requisite minimum time test was met in all cases.

6.3 The request to get onto the plane was a trigger point for resistance for some returnees. They resisted, either on the tarmac or on the steps, or just inside the plane. The response to this was use of force. Calm attempts to de-escalate were not deployed. The CFMT was concerned that Dublin Convention returnees who resisted just outside the plane did not then have access to a professional interpreter. Instructions were shouted at them in English. In the CFMT's observation, these individuals either simply did not understand the instructions or were too stressed to register them.

6.4 Returnees were subjected to humiliating and degrading treatment when restraint and/or use of force was applied in the following circumstances:

- on the seeming assumption that they could understand what was being said to them in English
- as a result of hasty assessments
- on the basis of judgments which did not match the CFMT's contemporaneous observations of a returnee's behaviour.

The CFMT had made the same judgment in its 2017 and 2018 annual reports.

6.5 The discharge process at the IRC

6.5.1 The process is commonly known as 'meet and greet'. IRC staff present returnees one by one to the coach commander. The number of IRC staff deployed at this point ranged from one to five, with between two and five in the PPE teams, used not only in the February removal, but also, to a lesser extent, in the January, July and November operations.

6.5.2 The coach commander was supported by a small team of escorts. Some carried out searches, while others dealt with luggage. The 'meet and greet' team generally showed good interpersonal skills when dealing with English-speaking returnees, with

an ability to reassure and sometimes to defuse a potentially difficult situation. The CFMT observed empathetic responses to individual needs. For example:

- in February, a special arrangement was made during the ‘meet and greet’ for a returnee’s property to be delivered to another IRC, and for the returnee concerned to travel there to collect it, and to say his last goodbye to the family member who had brought the property.

6.5.3 All returnees were searched as part of the discharge process – a non-invasive search of the body and clothing – by escorts of the same gender. Searches were carried out privately, except on one occasion, when a November returnee was searched in the main area in sight of male and female staff not involved in the process.

6.5.4. In 2017 and in 2018, the CFMT reported that all returnees were not routinely offered a comfort break before leaving their IRC, even though some would then spend hours in a coach. The position was unchanged during the present reporting year.

6.6 **Use of interpreters.** HOIE identified the linguistic needs of Dublin Convention returnees, and booked interpreters in advance. This was very helpful. The interpreters attended the IRC discharge process. Some travelled to the airport and boarded the flight. Their services were mostly well used during the ‘meet and greet’. On one occasion, the booked Farsi interpreter failed to turn up at the IRC. Interpreters on the plane were called upon, but to a very limited extent, and it was up to the escorts to decide whether to use them. In the CFMT’s view, there are gaps in service provision (see paragraphs 6.3 and 6.10).

6.7 **Vulnerable returnees.** The behaviour of two men bound for removal to Jamaica in February, and of two bound for Germany in July demonstrated their fear of enforced removal. Each inflicted wounds on himself just before being presented to the escorts.

6.7.1 February: one man injured himself so badly that he could not be collected: he went to hospital. Another was presented to the escorts before his self-inflicted injuries had been dressed. The extent of his injuries could not be assessed until his blood-stained hoodie was cut off. The escorts’ paramedic attended to the injuries, assisted by a member of the IRC’s healthcare team. A third man was assessed by the IRC to be at risk of self-harm. He had been continuously observed under the assessment, care in detention and teamwork strategy. Responsibility for continuous observation passed to the escorts. During the flight, the CFMT noticed that the escort charged with observation was asleep, even though the man was awake. The CFMT flagged this to another escort, whose response was dismissive.

6.7.2 July: one man injured himself in his room as IRC staff came to collect him. His injuries were dressed before staff, in full PPE, took him down to meet the escorts. His torso and legs were bare. A small towel had been wrapped around his waist, which did not completely cover his thighs. He travelled to Germany in his underwear and the small

towel. He was presented in this condition to the authorities there. The CFMT observed that his boxer shorts were partially visible. He had refused the offer of clothing, throughout. The German authorities refused to accept him. He then dressed, went back onto the plane and returned to the UK. He was taken to hospital, and from there to an IRC. The CFMT sought, but did not find, any evidence that anyone had considered inviting the receiving authorities onto the plane to make their assessment there.

6.7.3 A second man injured himself in his room in July as IRC staff came to collect him. He was presented to the escorts by IRC staff in PPE. He was wrapped in a blood-spattered sheet. His wounds were then dressed by the escorts' paramedic, assisted by a member of the IRC's healthcare team. He cooperated as escorts put him into jogging bottoms. He resisted getting onto the plane. He was carried on, with his jogging bottoms slipping down as he was carried. He cooperated as he was put into a tee-shirt on landing in Germany. He resisted very fiercely when presented to the German authorities. They refused to accept him. He came back onto the plane, with both his wrists being cuffed at this point. One cuff appeared to have jammed. An airport fire crew brought bolt cutters, and the cuffs were cut off. One of his wrists was very swollen. The escorts' paramedics, now assisted by their German counterparts, thought that the wrist may have been fractured and that he could not be considered medically fit to fly without a doctor's assessment. The man left the plane to go to hospital.

6.8 **Night moves.** The collection process for Dublin Convention returnees started during the night, typically between 2am and 3am. These start times are standard, regardless of the impact on the returnees. The collection process for the Jamaicans in February started in the late evening. The road journey to the airport took place during the night.

6.9 **Time in coaches.** Returnees were presented to the escorts at the IRC, one by one. The first to be discharged from the IRC joined the waiting coach, or other vehicle, and sat there until the process for all of them had been completed. The discharge process was typically long. This was followed by the road journey to the airport, and then a further period of waiting before boarding the plane. Some returnees were confined for hours in coaches. The worst examples include:

- One Jamaican spent seven hours 40 minutes on a coach in February, approximately 2.5 hours of which was while it was parked inside the IRC, followed by 2.5 hours on the road journey and the balance at the airport waiting to board the plane.
- A Dublin Convention returnee spent five hours on his coach in January.

Additionally, some of the coaches were not fit for purpose (see paragraph 6.11).

6.10 The escort sitting with a returnee is expected to engage with that person while they are seated together on the coach, as well as later on the plane. The CFMT observed some positive interactions but no, or very limited, interaction with a returnee who could

not really communicate in English. Senior escorts on a coach have access to a telephone interpreting service. The CFMT observed recourse to it on a coach only once. Interpreters on Dublin Convention flights were occasionally asked to interpret for the escorts, not as an aid to general interaction, but when the returnee was resisting.

6.11 **The state of the coaches.** The escorting contractor hired a spare coach for each operation, a contingency plan that it introduced last year. However, similarly to last year, not all the coaches actually used were fit for purpose. Examples include:

- The heating and provision of hot water failed in a coach used in January. The collection process at the IRC was halted while repairs were attempted. Meanwhile, five returnees had already spent a considerable amount of time sitting on the coach, in the middle of the night, in winter.
- There was no hot water in one of the coaches used in July, so no one on it could have a hot drink. The hot water ran out on another coach during the road journey.
- The WC on a coach used in September was foul smelling from the start. The escorts thought the tank had not been emptied. A replacement coach was sent to the IRC.

6.12 **Boarding the aircraft.** Returnees came off their coach, one by one, to board the plane. Those who had travelled separately were also individually boarded. In either case, their arms were held as they walked up the aircraft steps. Two, and sometimes more, escorts followed behind, very closely. Returnees were filmed going up the steps and to their seat. The requirement to get onto the plane was a trigger point for resistance for some returnees. Force was then used, and some individuals were carried on board (see paragraphs 6.7.2 and 6.3).

The CFMT is not confident that **all** returnees were:

- told in advance (as opposed to at the last moment) that their arms would be held
- told in advance (as opposed to at the last moment) that they would be filmed walking up the steps.

Over the reporting year, the CFMT found evidence of only one returnee having been told that filming would continue inside the plane as he walked to his seat. The CFMT's evidence sources are observation, coupled with entries, or lack of them, in the PER.

6.13 **The flight.** Levels of resistance to removal tended to abate once a returnee was on the plane, although some continued to struggle until take-off, or later. Some escorts with a returnee who understood English kept a dialogue running after take-off. The CFMT observed, for example:

- good humoured engagement between some of the escorts and the younger, more boisterous Jamaicans in the February removal

- the excellent way in which escorts interacted with a potentially difficult returnee in the November removal.

6.13.1. Blankets and pillows are carried on board. To the best of the CFMT's knowledge, blankets were not offered to returnees, even on the long-haul flight to Jamaica. The CFMT made a spot check during that flight: only six pillows had been distributed, on a flight with 29 returnees on board. No Dublin Convention returnee was offered a pillow.

6.13.2 Hot and cold drinks and two cooked meals were served on the flight to Jamaica. A snack was offered to Dublin Convention returnees.

6.14 **Disembarkation at the receiving port.** Local immigration officials and/or the police met the plane soon after landing. They liaised with the chief immigration officer (CIO) leading the flight. In January, German officials came onto the plane with people who were able to tell Dublin Convention returnees leaving it there what was to happen next, in their own language. That positive approach was not replicated in July, when the plane landed elsewhere in Germany, or in November. The handover to local officials in Kingston in February was generally relaxed.

6.14.1 After landing, all returnees were called forward, one by one. Some left the plane voluntarily and peacefully. Some were not released from their WRBs until they stood at the door of the plane (see paragraph 6.2.9). The receiving authorities refused to accept two men at the door of the plane in July (see paragraphs 6.7.2 and 6.7.3). In September, a man tried to hurl himself out of his wheelchair in Lagos as he was being carried down the plane steps (see paragraph 8.2). The receiving authorities accepted him.

6.15 **Lavatory access during the journey.** Returnees were, again, denied privacy when using the WC on the coach or the lavatory on the plane. The door was always held slightly ajar. This is the standard approach, and is not individually risk assessed. The CFMT acknowledges that HOIE and the escorting contractor consider that privacy of use is risky, on the grounds of security or safety. However, the blanket ban on privacy of use is demeaning.

6.16 **Smoking.** Returnees were not permitted to smoke at any point during the journey, for understandable reasons. The CFMT understood that the escorting contractor had agreed to provide returnees with a Nicorette lozenge, if wanted. The offer was made only once, at one IRC in November. Earlier in the year, a Jamaican, who was a habitual smoker, saw some escorts smoking in plain sight at the airport. His reaction was intemperate, and he ended up in a WRB. However, in the CFMT's view he had been provoked.

6.17 **Female returnees.** One woman was removed on each of the flights in January, February, July and September. They were escorted and seated by female escorts. They boarded the aircraft separately from the men and were seated apart from the main male cohort. Use of the WC on the coach and the lavatory on the plane was supervised by

female escorts. Supervised access to a WC or a lavatory is particularly demeaning for women.

7 EQUALITY AND FAIRNESS

7.1 **Legal rights.** The CIO leading a charter flight has the discretion of whether or not to hold an on-board ‘surgery’. The surgery gives a returnee the chance to raise issues for the last time with the only person on the flight with the professional competence to address them.

7.1.1 There was no surgery on any of the Dublin Convention flights. This is the standard approach on these flights, as they are short. There was a surgery during the flight to Jamaica. A number of the applicants on board that flight claimed unresolved legal process. The CIO undertook to check the position upon arrival in Kingston, and did so. HOIE confirmed that a surgery had been held during the September flight to West Africa.

7.1.2 The CFMT is routinely told that when there is no surgery, the CIO will nonetheless speak to any returnee whom the escorts bring to his attention. This means that the escorts must be proactive. In November, the CIO spoke with two returnees before the flight left. The CFMT did not otherwise see anyone drawn to the CIO’s attention during the Dublin Convention flights, other than once, when the CFMT intervened (see paragraph 7.1.4).

7.1.3 The number and physical stature of escorts supervising a surgery had concerned the CFMT in 2017 and, to a lesser extent, in 2018. This concern resurfaced during the Jamaica surgery. The area of the plane in which the surgery was held was crowded with escorts. They appeared to position themselves to protect the CIO from any unexpected movement by the applicant returnee – for example, in response to unwelcome news. This ring of protection was intrusive and (in the CFMT’s view) threatening.

7.1.4 The CFMT’s 2017 annual report drew attention to the escorts’ practice of ‘sifting’ surgery applicants in advance. The practice appeared to have been abandoned in 2018. It seems to be creeping back in a slightly different form. On the July Dublin Convention flight, escorts were heard telling a returnee that she would have to write down her reasons for wanting to talk to the CIO. HOIE later confirmed that their CIOs do not require written reasons in advance. The woman (who needed interpretation in Farsi) did not write down her reasons, and did not see the CIO. Escorts blocked a man’s access to the CIO on the November Dublin Convention flight, seemingly on the basis that the subject matter was not apt. However, the CFMT had heard the man being told during collection that he would have access to the CIO. He did subsequently get this access because the CFMT intervened.

7.2 **Complaints procedures.** Returnees’ rights to raise a complaint with the Home Office continue during the removal process. They are referred to in HOIE’s charter flight information booklet, available in English, Urdu, Punjabi and Albanian – unlikely to be of

use to the typical Dublin Convention returnee. Official complaints forms, in a wider range of languages, are available on the coaches and on the plane. The CFMT was satisfied that the booklet was offered to returnees travelling to the airport in a coach. However, it has no evidence that it was offered to returnees who travelled in a separate vehicle, on the grounds of their vulnerability or actual or likely resistance to removal.

7.3 Equality and fairness in briefing returnees. The charter flight information 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 returnees' arms will be held as they are escorted up the plane steps.

7.3.1 The booklet's potential as an information source is thwarted if, for example, it is not in the returnee's first language, or is in the appropriate language but the returnee is not literate or is too distraught when offered it to register what it is. The CFMT looked for evidence, but found virtually none, of escorts taking the initiative to explain the contents of this booklet to returnees; there is plenty of time to do so when they are seated together on the coach. Professional interpreters travelled in coaches with some Dublin Convention returnees and could have assisted here, if asked.

7.3.2 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 an official document. The CFMT's reviews of this source of evidence suggested that escorts:

- virtually never explained the contents of the charter flight information booklet
- did not routinely and explicitly make returnees aware of the complaints route
- only once told a returnee that he would be filmed inside the cabin, walking to his plane seat
- virtually never told a returnee that a pillow might be available on the plane.

8 HEALTHCARE

8.1 Self-harming is not, of itself, a bar to removal, and this is the approach adopted by HOIE. Medical professionals assess whether someone who has just self-harmed is fit to fly. These comprise healthcare staff in an IRC, the escorting company's contracted paramedics or both, working together. The healthcare professionals appear to have judged the returnees cited in paragraphs 6.7.2 and 6.7.3 fit to fly, despite the combination of:

- the self-inflicted injury
- the lack of immediate medical attention, in one case
- the lack of proper clothing.

8.2 Once a returnee is presented to the escorts, that individual's healthcare needs become the responsibility of the paramedics. A paramedic attends collection at each IRC, and travels to the airport in the returnees' coach. Two paramedics fly to the overseas destination. This is the standard approach, which was followed during this reporting year. In September, one wheelchair-bound returnee, with a raft of other medical issues, was looked after by an extra paramedic, dedicated to his care for the whole of the journey from the IRC. The returnee travelled to the airport in an ambulance and was taken onto the plane in an Ambulift. An Ambulift was not available at the other end. The CFMT was satisfied that HOIE had tried, albeit unsuccessfully, to arrange such a facility in advance. The man had to be carried down the steps in a wheelchair – a difficult manoeuvre for the escorts, as the man tried to hurl himself out of it.

8.3 Some returnees travelled to the airport in escorting vehicles, rather than in a coach. Some of them had medical needs, which the paramedics dealt with before the individual left the IRC, and again, landside, at the airport.

8.4 A returnee's medical notes and any prescribed medication should be given to the paramedic when the returnee arrives for the 'meet and greet'. The CFMT observed that sometimes the paramedic had to prompt the IRC healthcare staff when medication was missing. In November, a paramedic drew the CFMT aside at an IRC, to report that prescribed medication was missing and that he had had the same experience previously at the same IRC. The CFMT observed that he spoke to a nurse from the IRC's healthcare team, but the medication was not forthcoming. The CFMT was not clear why this was the case, but considered that it was possibly because it had not been prescribed for the journey, even though it should have been.

8.5 The paramedics were professional and generally empathetic. They responded to any immediate needs communicated during the 'meet and greet' and on the coaches. They sometimes carried out medical tests during the 'meet and greet'. In September, a

paramedic considered a returnee, known to suffer from high blood pressure, unfit to fly after measuring his blood pressure.

8.6 The paramedics checked returnees who had been subjected to use of force, once the escorts considered it safe to do so, usually soon after take-off. The CFMT noted that escorts were proactive in alerting paramedics to any medical need that a returnee expressed during the flight, even if simply a headache. Both flying paramedics attended upon the man cited in paragraph 6.7.3 after he was brought back onto the plane in Germany. The CFMT saw evidence that a paramedic offered pain relief several times to the man cited in paragraph 6.7.2 during the flight, which he declined.

9 PREPARATION FOR REMOVAL

9.1 The authorities continued to remove Dublin Convention returnees without ensuring proper preparation for removal.

9.2 Similarly to last year, the CFMT observed that many of the Dublin Convention returnees appeared to be confused about the reasons for their removal, and ignorant of what would happen to them on arrival in mainland Europe. Many were clearly fearful.

9.3 In its 2018 annual report, the CFMT recommended that this group of returnees be told, in a language they understood, what to expect on arrival in mainland Europe, and that this need be met urgently. The recommendation was rejected. The reasons for rejection included the following statement: ‘there are common leaflets given to individuals, in a language that they understand, at various stages of the Dublin process’.

9.4 The CFMT tried, unsuccessfully, to discover what information these leaflets contained. At a meeting with HOIE officials in January 2020, the CFMT was told that there are no such leaflets. The assurance previously given to the CFMT about this appeared to have been inaccurate. By chance, in March 2020 (three months after the end of the reporting period), the CFMT discovered that the leaflet in question does exist, and did in 2019. It is published by the European Commission, and is entitled, ‘I’m in the Dublin Procedure – what does this mean?’ Translation into languages apt for the typical Dublin Convention returnee are available through the Swedish Migration Agency. The only version available in the UK is in English.

9.5 The leaflet gives information on how the Dublin process operates but does not brief returnees on what they may expect on arrival back in mainland Europe.

9.6 HOIE officials were not able to confirm to the CFMT:

- that the content of the leaflet would have been explained verbally, in their own language, to all those detained at the point of entering the Dublin process
- that the English language version was posted to all of those who were not detained at the point of entry into the process
- that if it was sent out, it was received or understood.

9.7 Some resettlement literature for returnees to Jamaica, Lagos or Accra was available in the collection areas in some IRCs. A few imaginative escorts took a copy or two and passed the literature around their coach.

9.8 Returnees understandably want to leave with all the property they have with them in detention. Property that returnees claimed was missing was not generally an issue this year. On one occasion, escorts went out of their way to enable extra property to be delivered to another IRC (see paragraph 6.5.2). On the same occasion, escorts tried

to arrange for property to be delivered to another IRC for a returnee who claimed he had just been picked up and had only the clothes in which he stood. They were in regular touch with the family member who was to bring the property; unfortunately, she could not find a taxi willing to make the journey at that time of night.

9.9 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. The escorts dealing with property encouraged returnees to change out of flip-flops into shoes or take a jacket from their luggage.

9.10 The Detainee Engagement Teams referred to in paragraph 4.12. have a critical role in preparing returnees for removal. The instruction referred to there was not given until after the end of the reporting period.

10 THE WORK OF THE CFMT

10.1. The CFMT is composed of Independent Monitoring Board (IMB) members from prisons, non-residential immigration short-term holding facilities and an IRC. They are volunteers, taking on CFMT duties in addition to those on their home IMBs. There were eight in the team. Two were new members, not immediately operational, and a third was on restricted duties and resigned at the end of the reporting year. Further recruitment is intended.

10.2 A new form of mandatory training was required by the Foreign and Commonwealth Office for CFMT members monitoring flights to Lagos, Accra or Islamabad. Four members received this training in the autumn of 2019. The CFMT is grateful to Returns Logistics for their help in facilitating this.

10.3 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, and to travel with them to the airport and on to the overseas destination. Sometimes, an additional team member observed collection at a third IRC but did not fly. The IMB at Heathrow IRC assisted by observing some charter party collections from there.

10.4 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. However, the contractor's response to reports was erratic.

APPENDIX

Destination	Date (2019)	Actual returnees	Escorting staff who flew
Germany and Switzerland	January	30	95
Jamaica	February	29	115
Germany and France	July	24*	88
Lagos and Accra	September	10	50
Germany and Kosovo	November	8	47**

* The German authorities refused to accept one man, and he came back to the UK on the same plane.

** A Kosovan travelled on the plane with a dedicated team of escorts who did not have general charter escorting duties; this increased the complement of escorting staff who flew.