

Immigration Detention Estate *Annual Report 2019*

INDEPENDENT MONITORING BOARDS IN THE IMMIGRATION DETENTION ESTATE

ANNUAL REPORT FOR 2019

Membership and reach

1. IMB members are unpaid public appointees whose role is to monitor fairness and respect for people in custody, both in prisons and in immigration detention. As at 31 December 2019 there were 90 IMB members working in the Immigration Detention Estate (the IDE) and in 2019 these monitors made approximately 2,300 visits to places of immigration detention. The locations covered are listed in the Appendix to this report. In addition, the Charter Flight Monitoring Team ('CFMT', drawn from IDE and prison IMB members, observed the escorting of detainees from Immigration Removal Centres (IRCs), to the departure airport and on their removal flights. The CFMT monitored seven flights in 2019, to the destinations listed in the Appendix.
2. Each IMB is required to report annually to the Minister on the conditions and treatment of detainees. Those individual reports are published on www.imb.org.uk. In this report we bring together the common themes and issues highlighted in IMB reports across the IDE during 2019.
3. This report is written during the 2020 COVID-19 pandemic, which has had a dramatic effect on the IDE. With borders closed and international flights largely grounded at the start of the crisis, almost all removals from the UK were suspended, and reporting centres closed. The only legitimate reason for maintaining detention is to enforce removal, and in circumstances where removal could not take place, a substantial number of detainees were released on bail. Those who remain in detention, almost all of whom are foreign nationals who have served a prison sentence, are experiencing reduced regimes, with no external visits, in order to reduce the risk of infection. To date, those measures seem to have been largely successful in reducing infection in the detainee population, but at a high cost in terms of regime and well-being.
4. IMBs have also had to adapt to the changing situation, with physical monitoring greatly reduced. We have kept in close touch with establishments and introduced an 0800 number for detainees to call with their applications, as well as a dedicated email address. Boards are monitoring closely and continue to raise concerns with the Home Office and with contractors, and regular reports are given to ministers. There is also, at the time of publication, an increasing number of people crossing the Channel by sea, putting pressure on the reception facilities at Dover, and resulting in a temporary change of use at Yarl's Wood, which has become a Short-Term Holding Facility for the men arriving through Dover. IMBs are monitoring this situation, and the treatment of those affected, carefully.
5. The effect of the pandemic and of the measures taken to minimise infection in the IDE will be covered in detail in the individual IMBs' annual reports for 2020.

Summary of IMB findings

- i) Detainee numbers have continued to fall across all IRCs.
- ii) Periods of detention have reduced, with 74% of detainees leaving within 28 days, but there are still detainees who are spending lengthy periods in detention, in some cases even after a claim to be a victim of torture has been accepted. There is still no time limit for immigration detention.
- iii) Only 37% of detainees were returned to another country from detention.
- iv) IMBs question the effectiveness of the Adults at Risk policy in preventing the harm caused to vulnerable adults by detention.
- v) Levels of violence are a matter of concern in some centres.
- vi) The use of handcuffs on detainees attending external appointments remains high at two centres.
- vii) There have been problems for Muslim detainees in accessing prayer rooms after refurbishments in two centres.
- viii) Detainees who do not speak or read English can be disadvantaged.
- ix) There is continued concern about detainees' access to legal advice.
- x) Standards of accommodation continue to vary across the estate; centres have benefited from extensive redecoration and refurbishment but some problems remain.
- xi) Continued improvements are reported in healthcare, particularly in respect of waiting times, although this is not consistent across the estate.
- xii) There are problems with punctuality and reliability on the part of the escorting contractor responsible for transporting detainees.
- xiii) IMBs continue to describe facilities at port and airport holding rooms as being adequate for only the shortest periods of detention.
- xiv) Very few detainees are held in port or airport holding rooms beyond the initial 24-hour time limit, but this does happen on occasion, even though holding rooms have no proper sleeping facilities.
- xv) Detainees in holding rooms are still denied access to their prescription medication, a problem first reported by IMBs in January 2017.
- xvi) On charter flights, IMB monitors are critical of the use of restraint, particularly in relation to Dublin Convention returnees.

Common themes: IRCs

Reducing detainee populations

6. All Boards reported that the reduction in detainee numbers, which started in 2018, continued through 2019, so that at the end of the year most centres were running at around half of their operating capacity or less. At Yarl's Wood, for example, the average population during December 2019 was 96, in a centre with 410 bed spaces. At Tinsley House, which at the time of writing this report was empty, the average monthly population was 62, out of an operating capacity of 162. Home Office national statistics also bear out this trend: as at 31 December 2019, there were 1,637 people in immigration detention, which is 8% fewer than on 31 December 2018, and fewer than half the number detained as at 30 September 2017¹. This reduction has had a positive effect on outcomes for detainees, for example in reducing overcrowding in some male centres, improving staff/detainee ratios and reducing the pressure on medical services (see later).

Length of detention

7. Boards also report a trend for shorter periods of detention, which is welcomed. Across the estate, Home Office figures recorded that 74% of detainees were held for 28 days or fewer (compared with two-thirds of detainees in 2018), with 39% held for 7 days or fewer. Only 2% of detainees stayed for more than six months², compared with 4% in 2018³. There is still no statutory time limit for immigration detention, but most commentators calling for a time limit suggest that it should be set at 28 days, and we note that nearly three-quarters of detainees were released within that timeframe. However, the 2% who stay more than six months still represent appreciable numbers of people who are stuck in detention: to take a snapshot at 31 December 2019, there were 26 detainees at Heathrow IRC who had been held for over six months, and the longest stay there during 2019 was two years, eight months. At Brook House, as at 31 December 2019, there were two men who had been in detention for more than a year; at Dungavel there was one. At Morton Hall, the five longest-serving detainees during 2019 spent between 388 and 784 days at an IRC. The Yarl's Wood Board gives an example of a woman who had spent five months there in 2017, and another five months in 2019.
8. The Brook House Board also reported that men were being kept in detention for unacceptably long periods, even after their claims to be victims of torture, under rule 35 of the Detention Centre Rules 2001 (the DC Rules), had been accepted. The Board believes that at least 19 acknowledged victims of torture were held in detention for over 12 weeks after acceptance of their rule 35 claim in the period from July 2019 to February 2020, and five of them for over 24 weeks. In late January 2020, one man was released 24 weeks after having his rule 35 claim accepted, as was another man after 18 weeks. The Morton Hall Board also commented that releases from detention can take too long – as long as two or three months, even if a detainee is accepted as being at risk of harm from detention, and even in cases where bail has been granted, because of delays in identifying suitable accommodation. There is also anecdotal evidence that men are being released to no fixed abode, which is

¹ Home Office immigration statistics to December 2019

² Home Office immigration statistics to December 2019

³ Home Office immigration statistics to December 2018

concerning for their welfare, but there is no data available on this, so the extent of the problem is unknown.

Numbers of detainees released from detention

9. Boards drew attention once again to the fact that relatively low numbers of detainees are returned from the UK to another country. Home Office figures confirm this: of the 24,512 people leaving detention in 2019, just 37% were returned to another country. Sixty-one percent were granted bail, whilst 2% left for other reasons, including being granted leave to enter the UK or remain.⁴ The proportion returned to another country after detention is even lower than in 2018 (44%)⁵. Given that the purpose of detention is to facilitate and in some cases to enforce returns, it is a worryingly low figure. The fact that bail is granted in six out of ten cases, frequently because there is no realistic prospect of removal in a reasonable time, led IMBs to suggest again in 2019 that this low return rate calls into question the initial decisions to detain.

Safety:

Detention and treatment of vulnerable adults

10. Under section 59 of the Immigration Act 2016, the Home Office is required to publish statutory guidance to help determine whether a person would be particularly vulnerable to harm if they were detained, and whether they should be detained, or should remain in detention. The statutory guidance is supported by caseworker guidance. The latest version of the latter was published in March 2019. It confirms the general presumption against detention (as did previous versions of the guidance) and strengthens that presumption in relation to the detention of those who are particularly vulnerable to harm in detention. However, it states that detention may still be appropriate in an individual case when immigration control considerations outweigh the presumption of release, even for a person considered to be at risk.
11. IMBs do not have information about the immigration considerations applicable to individual detainees and are unable to assess whether these outweigh the considerations of risk and harm in individual cases, and it is not part of their remit to do so. They do, however, see the effect of decisions to detain and to maintain detention of individuals, and have concerns about the guidance and its operation.
12. The Adults at Risk (AAR) guidance assesses risk according to the available evidence of a person's vulnerability, and creates three categories of AAR, based on the quality and sources of that evidence. A self-declaration – for example of being a victim of torture – leads to a classification as level 1, whilst professional evidence of a particular condition leads to a classification as level 2, or level 3 if that professional evidence points to a risk of harm from detention. The level of risk is therefore assessed, and a detainee allocated to an AAR level, on the basis of the type of the evidence available, rather than on

⁴ Home Office immigration statistics to December 2019

⁵ Home Office immigration statistics to December 2018

the severity of the condition leading to the vulnerability or the harm that might ensue. IMBs are concerned that this creates a risk that some people who are at a high risk of harm but without professional evidence will be overlooked. Although there is a provision for observations from Home Office officials to be given weight in allocating detainees to a higher level, Boards are concerned that that is not happening in practice. To illustrate this, Brook House IMB drew attention to the cases of two men who were on AAR Level 1 – ie having self-declared that they were at risk of harm from detention. They both self-harmed and were placed on constant supervision, but despite there being clear observational evidence of harm, their AAR levels stayed the same.

13. Rule 35 also contains a provision designed to identify those who are likely to be vulnerable to harm in detention. A medical practitioner is required to examine detainees and submit a report to case-workers alerting them to those who may have been victims of torture, or who are suspected of having suicidal intentions, or whose health is likely to be injuriously affected by detention or by the conditions of detention. In the case of torture, a rule 35 report will normally amount to “at least level 2 evidence”, and in the case of a person whose health is likely to be injuriously affected by detention, level 3. However, cases are frequently brought to Boards’ attention where individuals remain in detention even following substantive consideration of a Rule 35 report. The low number of detainees released after submission of a positive rule 35 report – at Tinsley, 30% of those submitting a report, Brook House 25%, Dungavel 28%, and Yarl’s Wood 21%, according to Home Office figures supplied to Boards on a monthly basis - appear to support this concern.
14. IMBs reported a number of indicators that vulnerable adults are being detained, and that detention is having a deleterious impact on a number of them. Until recently, not all Boards were given access to the AAR register, so IMBs were not always aware, unless the detainee told them, of whether an individual was on the register and at what level. They were therefore reporting these indicators of vulnerability and harm without necessarily knowing if the vulnerability had already been accepted by the Home Office.
15. One of the most serious indicators of vulnerability by virtue of mental ill-health is the number of detainees who are sectioned under the Mental Health Act from detention. There were cases of this in 2019:

At Harmondsworth, seven detainees were sectioned.

At Yarl’s Wood, five detainees were sectioned. This includes a woman who had previously been sectioned in 2014. She was immediately identified as an Adult at Risk and she was subsequently sectioned again, but because of administrative problems in the area where she had previously been registered, there was a delay of 49 days from sectioning before she was transferred to a mental health bed.

At Brook House, five men were compulsorily transferred to mental health beds, one of them for assessment.

At Morton Hall, four men were sectioned, and suffered unacceptable delays in transfer to an appropriate facility (see para 36 below).

16. A second indicator of vulnerability and harm in detention is self-harm, which IMBs reported as being a worrying feature of life in detention still.

At Yarl's Wood, there were 54 cases of actual self-harm during 2019, which is more than the previous year's total, even though there were significantly fewer detainees.

At Heathrow IRC, there was an average of 2-3 incidents of serious self-harm, requiring external medical attention, per month.

At Morton Hall, there were 202 incidents of self-harm, a similar level per head of population as in 2018.

17. Boards also reported that a higher proportion of detainees were put into the suicide and self-harm prevention process, which in immigration detention is known as ACDT (assessment, care in detention and teamwork), than in 2018:

At Yarl's Wood, 10.7% of the women were put on an ACDT over the year, up from 7.2%.

At Brook House, an average of 37 ACDTs were opened each month, which is 15% of the average monthly population, compared with 8% of the population in 2018.

At Morton Hall, there was a small increase in the corresponding numbers: from 9.2% in 2018 to 11.3% in 2019. The Morton Hall Board felt, however, that this increase might be partly due to staff increasing their focus on identifying and preventing vulnerability to self-harm.

18. There were also examples of detainees with other vulnerabilities, such as physical or other disabilities, being detained, with inadequate provision for their needs. At Heathrow IRC, the IMB reported that wheelchair users have been detained, as well as men who are partially sighted or with learning difficulties. The Board does not consider the Centre to be suitable for these detainees, particularly as there is no provision for social care, and cite a continuing problem with an unreliable main lift. The Brook House Board reported similar problems for men with limited mobility and considered that detention was hard for them. The rooms equipped for people with disabilities or mobility problems at Brook House were also affected by flooding – a problem that has been ongoing since January 2019.
19. Given the indicators of vulnerability and harm to detainees set out above, IMBs question whether the system – which includes the AAR policy, the ACDT process and rule 35 – ensures a sufficient level of safeguarding for the most vulnerable detainees.

Safety: staff/detainee relations

20. In general, Boards reported good relations between staff and detainees, with staff doing their best to identify vulnerable detainees and look after those who are suffering. However, the Heathrow IRC Board reported that there had been instances of less helpful behaviour and complaints about a small minority of staff, usually about their manner. At Brook House, the Board regards staff-detainee relationships as being generally positive, especially when dealing with sensitive tasks such as ACDT reviews. However, the Board called for a greater presence of staff on the wings and noted that officers' behaviour had not always been suited to the needs of the situation – for example, when talking to detainees with limited English or using interpreters, the officers did not always adapt their speaking style to facilitate the detainee's understanding.

There were 41 formal complaints to the Home Office in 2019 about the behaviour of G4S staff at Brook House, only four of which were upheld, but Board identified some features of the complaints system which weigh against detainees: G4S investigators tended to ask for precise facts or details that detainees were not always able or willing to give, for example, and when it was the detainee's word against the officer's, it could be difficult for the detainee to prove his complaint.

Safety: violence and use of force

21. At Tinsley House, Yarl's Wood and Dungavel, levels of violence were low during 2019. The Tinsley Board in particular described the atmosphere in the Centre as being very safe. At Heathrow IRC, Morton Hall and Brook House, however, IMBs were concerned about levels of violence. Brook House Board reported 20 detainee-on-detainee assaults, 260 threats of violence, 24 fights and 82 assaults on staff during 2019. The Board also reported on use of force, suggesting that although the number of incidents was lower than in 2018, given the fluctuations in detainee populations in recent years it was arguable that the use of force in 2019 was comparable to or even slightly higher than in 2018. At Morton Hall there were 65 detainee-on-detainee assaults and 45 assaults on staff, the latter figure having increased from 2018, but the Board reported an inadequate police response to incidents at the centre, whether these involved violence or criminal damage, which was also a problem. In 2019, Centre management made 82 referrals to the police, but these resulted in only four cautions and no convictions.
22. Drugs also featured at Heathrow IRC, Morton Hall and Brook House, but IMBs reported an improving picture with the introduction of new technology for searching incoming mail. At Morton Hall, for example, the number of reported episodes fell from 227 in 2018, to 45 in 2019, following the introduction of a drugs itemiser and a drugs dog. At Dungavel, there was a spate of psychoactive substance use in the summer of 2019, but a Rapiscan detector was installed which proved extremely effective.
23. The Dungavel Board also reported a number of incidents at height, with individual detainees climbing onto the roofs of buildings on the estate. With no trained negotiators on site, the Board regarded this as an unsafe situation.
24. At Yarl's Wood there was a distressing incident in October 2019 when a detainee witnessed another detainee's attempt to self-harm with a ligature. She was traumatised by what she had seen and felt that she had not been supported adequately by the Centre. The IMB raised this as a matter of concern and has been assured that appropriate safer detention policies and support networks are now in place to assist detainees and staff in these circumstances.
25. In our 2018 report we highlighted what IMBs at Heathrow, Campsfield House (now closed) and Brook House IRCs saw as unacceptably high rates of handcuffing of detainees on external visits, principally hospital appointments. Heathrow IRC reported the highest levels over the year, with 91.6% of detainees handcuffed on external visits. After concerns were raised with HOIE and with the then Immigration Minister, the rate for December 2018 fell to 59%. Unfortunately this level was not maintained during 2019: at Heathrow IRC the

rate for the six months to December 2019 was 75%, while at Brook House the rate over the year was 66%.

Equality and fairness

26. The freedom to practise their religion is a fundamental right for detainees, and detainees of all faiths should have equal access to facilities to enable them to exercise that right. Boards generally commend the religious provision and the work of chaplains in IRCs, but two Boards have highlighted changes which they feel have unfairly reduced particular detainees' freedom to worship. After the refurbishment of Tinsley House in 2016, detainees were locked into their unit corridors for 11 hours overnight, and Muslim detainees were unable to access the multi-faith rooms for late night and early morning prayers, with the result that they had to pray in their own rooms or in corridors. The Board described this as a retrograde step which denied fair and equal access to worship for all. The problem was raised in the IMB report for 2018 but it remained unresolved in 2019.
27. A similar problem was encountered after the refurbishment of the residential units at Dungavel, in that one of the units no longer has a prayer room. The Board also considers that the religious directional signage in some of the residential units and the CSU is inadequate and recommended that this be improved.
28. When detainees arrive at the IRC, they are asked to disclose any protected characteristics. IMBs have doubts about whether detainees understand what this means, and also whether they feel confident in self-disclosing: the Tinsley Board suggested that there were consistently low levels of self-disclosure of physical and learning disabilities, and what they described as an absence of self-disclosure of other protected characteristics, with the result that there was a lack of data and an inability to ensure that the risk of unfair and unlawful treatment was reduced. The Morton Hall Board noted that there were low levels of self-disclosure of sexual orientation other than heterosexuality, in contrast to an anonymous survey conducted by HMIP during their October-November 2019 inspection, in response to which 18% of men described themselves as other than heterosexual.
29. A number of Boards highlighted the difficulties experienced by detainees who do not speak English. There are specific difficulties such as those described in the previous paragraph, but also the general difficulties of taking in important information on arrival and induction to the centre. Induction videos are not universally available in languages other than English although induction packs are.
30. In a positive development, the Yarl's Wood Board reported that the target of 60% female staff was reached on several occasions during the year. All units had some female staff and two had exclusively female staff. The male STHF unit had exclusively male staff.

Legal advice

31. There is continuing concern about detainees' access to legal advice. Legal aid-funded advice surgeries are held at each centre on a regular basis. These

may be staffed by anyone from a wide range of solicitors' firms who hold the contract. A survey conducted by Bail for Immigration Detainees in September 2019 revealed that only 34% of detainees who consult a solicitor in these surgeries are taken on as clients, and that only 59% of immigration detainees have solicitors acting for them.

Removal from association/temporary confinement

32. All Boards reported a reduction in the use of rule 40 and rule 42 (removal from association and temporary confinement), although degrees of reduction varied. Boards were generally satisfied with the exercise of powers under these rules, except in cases, which they continue to see, of detainees suffering from mental health conditions being held in separation units, particularly while they await transfer to external facilities (see example in para 36 below).

Accommodation

33. Standards of accommodation continue to vary across the estate. Some centres have benefited from refurbishment and redecoration.

Dungavel has seen an extensive refurbishment programme, including the residential units, reception, information and learning centre, and the cultural kitchen.

Morton Hall and Brook House have also undergone refurbishment and redecoration. The improvements to decency which started in 2018 – removal of the third beds in cells at Brook House, and better shielding of in-cell toilets - have been completed.

At Heathrow IRC, however, while similar decency improvements have been made, the Board reported that maintenance was poor, with plumbing and sanitation problems not attended to, and the centre still described as “grubby”. Bedbugs and mice were still a problem in 2019, although in the case of bedbugs, the problem was not so acute as it was in 2018.

Healthcare and mental health

34. All Boards acknowledged significant improvements in healthcare over the years, but it was still a mixed picture. The lower detainee numbers resulted in improved access in all centres. At Tinsley House, detainees could have next day GP appointments, with three days' wait for a rule 35 appointment. At Yarl's Wood, nurse appointments were available on the same day, with GP appointments available within 48 hours and, importantly, nearly 50% of medical staff were female. The IMB reported increasing staff levels in 2019 and improved communications and transparency in relations between management and the Board.

35. The Heathrow IRC Board reported that vacancies in permanent healthcare staff were running at 50%, and the main concern for the Board was the delays for detainees in obtaining appointments for rule 35 assessments, a concern echoed by the Morton Hall Board, whose overall assessment of healthcare at that Centre was otherwise positive.

36. In terms of mental health provision, IMBs identified delays in transferring detainees who needed external care, which could result in them spending time

in separation units. At Morton Hall, four men who had been sectioned endured unacceptable delays and spent extended periods in the Care and Separation Unit – in one case, as long as 71 days. However, the Morton Hall Board commended the Centre’s own clinical provision, even if not the environment, which they consider to be unsuitable for men suffering from severe mental illness. At Yarl’s Wood, the IMB noted that services in mental health have been extended, with Kaleidoscope, an NHS-funded counselling and support service, providing valuable one-to-one and group sessions.

Education/activities/work

37. Unlike in prison, there is no concept of a core day or any compulsory activity or education in immigration detention. As reported above, periods of detention are reducing overall and it is difficult for detainees who are held for an uncertain time to settle to a long-term course or project. However, IMBs recognise the importance of education and activities in providing distraction and a sense of purpose, as well as helping some to develop skills and experience which will be useful on release or removal.
38. There was a varied picture across the estate in 2019. At Tinsley House, the Board recommended for example that the contractor should assess the activities on offer to ascertain why some groups of detainees used them more than others. They also recommended that courses with externally-recognised qualifications should be on offer, a suggestion also made by the Brook House Board, who reported an improved and wider programme of organised and purposeful activities – although they described this as starting from a low base. Unfortunately the advertised activities did not always take place at Brook House and events remained subject to staffing needs; some activities were poorly attended by detainees, leading the Board to suggest more consultation would be appropriate.
39. All centres offer some paid work for detainees, but the rate of pay has been held at £1 per hour since paid work was introduced more than 10 years ago. Boards also regard as unfair the prohibition against paid work for detainees who are non-compliant with HOIE in their immigration cases.

Preparation for return or release

40. Following legal challenge, there has been a change in the period of notice given to detainees of their removal from the UK. All detainees are now given 72 hours’ notice of removal, which gives them some time to make preparations. This has replaced the previous practice of giving a “window” of three months during which the detainee was liable to removal. The presence of the Home Office Detention Engagement Teams (DETs) was acknowledged by Boards as improving communication and access for detainees about their cases, for example through their daily drop-in surgeries, and the Morton Hall Board felt that there was a more systematic focus on welfare and services for removal.
41. Detainees who are being moved to another location, or who are being removed from the UK, are handed into the care of escorts from a third-party contractor. In 2019 IMBs continued to report problems with punctuality and

reliability, for example escorts arriving late or even not turning up for an airport transfer, with the result that detainees missed removal flights. These problems added to the stress experienced by detainees expecting to be removed. Dungavel IMB highlighted the case of a detainee who was considered unsuitable for the general regime: he was due for removal but the removal failed because the escorts did not provide an adequate team. The result was that the detainee had to spend 10 days over the Christmas period in the separation unit at Dungavel. The IMB reported this as all the more unacceptable and avoidable given that the escorting contractor has an operations hub at Dungavel. The Morton Hall Board raised concerns about the number of detainee moves taking place at night and called for the Home Office to reduce the number of such moves and to provide monthly data on their occurrence.

Gatwick Pre-departure Accommodation

42. The Gatwick Pre-departure Accommodation (PDA) is on the same site as Tinsley House, and provides accommodation for up to two families en route for removal from the UK. Families will be held there, typically for up to 72 hours, as a last resort when all other options such as the assisted voluntary returns process has failed. The facility is monitored by the Tinsley House IMB which also monitors family removals from the facility.
43. In its 2019 report, the IMB described a facility with good accommodation, kind and supportive staff, and valuable on-site assistance for families from Hibiscus, but was concerned about the fairness of the whole family returns process and its impact on children. The Board repeated its recommendation that the effectiveness of the PDA's role in the family removals process should be reviewed, pointing out that of the 15 families detained in 2019, only two were removed. The IMB would also like to see an independent system of monitoring the arrest and transfer of families to the PDA, having heard distressing accounts from the families themselves.

Common themes – Short Term Holding Facilities

44. Detainees may be held in one of three types of Short Term Holding Facilities (STHFs), all of which are monitored by IMBs: holding rooms at ports and airports; holding rooms at reporting centres where people subject to immigration control are required to report regularly, and from where they are sometimes detained; and residential STHFs where detainees may be held for up to 7 days.

Safety

45. Boards monitoring at all the non-residential STHFs – ports, airports and reporting centres – describe them as being adequate for only the shortest periods of detention. The initial time-limit for detention in these facilities is 24 hours, but none is suitable for an overnight stay, and boards monitor length of detentions carefully, particularly for families and children.
46. The North and Midlands Board monitors the holding rooms at Manchester and Birmingham airports, and at both locations it reported fewer detainees being

held beyond the 24 hours limit than in 2018 – only 18 detainees compared with 36 in 2018 – but for a small number of detainees there were some extremely long stays, leading the Board to question why those detained at Manchester were not transferred to the MAN 302 residential facility. There was also a welcome reduction in the numbers being held overnight.

47. At Heathrow airport, the majority (68%) of detainees were held for eight hours or fewer. Only 1% of detainees stayed for more than 24 hours, a similar figure to 2018. Seventy-three children had stays of over 12 hours, and of those 14 stayed for over 24 hours. The IMB describes the holding rooms as being totally unsuitable for such long stays. The family rooms are very small and become overcrowded if there are two families present. In Terminal 5, the family holding room is a partitioned area off the main holding room and is very small and claustrophobic. The Board continues to recommend the provision of overnight accommodation for families at the airport.
48. At Glasgow and Edinburgh airports the IMB also describes the holding rooms as inadequate for anything more than a few hours. The planned refurbishment at Glasgow airport, to make better use of the space and create separate male and female holding rooms, has not yet been completed. At Edinburgh airport, the holding room is in Terminal 1 but most flights depart from or arrive at Terminal 2, which means that detainees have to be transferred between the terminals. Most are moved by van, but there are not always enough drivers and detainees are sometimes walked through the public areas of the airport. The Board recommends the building of a new holding room in Terminal 2.
49. At the Dover Kent Intake Unit (KIU), again, the Board considers that the facilities are not suitable for anything other than the shortest stays, but there were occasions in 2019 when detainees were held for more than 24 hours, without any sleeping facilities. The Board was provided with reasons for this, such as the need to screen and deal with more vulnerable detainees first (such as families and pregnant women) and the difficulties of managing large influxes of detainees. People arriving at Dover may have made a perilous and uncomfortable journey by sea, and are often cold and wet, which means that there is all the more need for them to be screened and given clean dry clothes quickly. The shower was often out of action and repairs took a long time. Facilities for families were insufficient at times when there was a large number of detainees in the holding room – whilst there is a separate family room, this only seats six people and is not sufficient at busy times. Plans firstly to update and expand the facility at the Dover KIU, and then to move permanently to an alternative site in Folkestone, have not moved forward. However, the holding room has been freshened up, having been repainted and with the introduction of a mural and new TV screens.
50. At reporting centres, holding rooms are little more than waiting rooms with toilet facilities in cubicles rather than in separate rooms; they vary in size, with the rooms at Eaton House and Becket House (Hounslow/London) often being overcrowded because of long waits for transport to IRCs. The North & Midlands Board, however, reported an improvement in the average length of detention across the facilities it monitors, and a decrease in the percentage of detentions lasting beyond scheduled closing times, both of which had been matters of concern to the Board in previous years.

51. IMBs reported that DCOs generally treat detainees humanely and with kindness and consideration. The Heathrow Board had some reservations about how DCOs carried out inductions, suggesting that they might assume that a compliant detainee understands more than they actually do. The need for better interpretation facilities, including dual handset phones for the BigWord translation service, is a common theme.

Equality and fairness

52. All Boards reported difficulties for detainees in obtaining legal advice while in the airport holding rooms. All they could do is telephone a family member or friend, asking them to contact a lawyer and get the lawyer to call the holding room. The Heathrow Board observed that this rarely happens. There is an additional problem in that there is no wi-fi or internet access in the holding rooms, which can lead to distress for detainees, who typically use internet-based services such as WhatsApp to keep in touch with their families and friends. Travel and other information that detainees need to prepare for their Border Force interview may also be stored electronically and cannot be accessed in the holding rooms, putting them at a further disadvantage.

Accommodation

53. Facilities vary across the non-residential STHF estate in terms of condition and size but IMBs monitoring these facilities are agreed that they are suitable for stays of only a few hours. There is no access to fresh air; very few enjoy natural light; none has proper sleeping facilities; some port holding rooms have showers but these are not always in satisfactory working order; and toilet facilities do not always afford necessary levels of privacy and dignity.
54. At Heathrow Airport the IMB reported that the holding rooms had undergone some refurbishment and were in good decorative order. There are some roll-out mattresses, pillows and blankets available, but these do not constitute proper sleeping facilities. Some of the rooms suffered from fluctuations in temperature and there were no still no showers in the Terminal 5 holding room. The problems with legionella bacteria, causing the showers in the other holding rooms to be out of use for months at a time, persisted during 2019. There are also no showers in the holding rooms at either Glasgow or Edinburgh airport. The lack of privacy for the toilets in Festival Court reporting centre continued to be a matter of concern. At the Larne House residential facility, where people can be held for up to seven days, there is very limited space for outside exercise, and the outside area is shared by smokers and non-smokers.

Healthcare

55. In January 2017, the IMB at Heathrow reported that detainees in the holding rooms were being denied access to any prescription medication which they might have brought with them, as it was removed from their possession on arrival. Detainees may only have their medication if a doctor or airport paramedic authorises it, and DCOs are reluctant to call for this assistance other than in an emergency. This is an estate-wide practice which IMBs view

as distressing for detainees and potentially dangerous, particularly where the detention could last for many hours. Despite this being raised repeatedly at the highest level, no solution has as yet been implemented. Earlier in 2020 IMBs were informed about a possible solution and we hope that it will be in place by the time the airport holding rooms are re-opened.

56. At Dover, unlike at other STHFs, healthcare is available from a paramedic during business hours. This is an extremely helpful provision, but detainees do not always arrive during business hours, and the Board feels that some provision, such as an on-call facility, should be made out of hours for those frequent occasions when there is a large influx of people late at night.

Removals

57. As part of their remit, IMBs at the airport STHFs will sometimes monitor aircraft boardings when detainees are being removed from the UK. Where force has been used during the course of those removals, Boards considered it to be, in the main, proportionate, reasonable and necessary. The Board at Heathrow, however, suggested that the waist restraint belt (WRB) is used more frequently than necessary on detainees who simply state that they are unhappy about returning. This was a matter of particular concern for the Charter Flight Monitoring Team and is covered in more detail below [para 61].
58. Monitoring removals became more difficult for Boards with the introduction by the escorting contractor of a new fleet of vans, the layout of which means that there is not always room for an IMB member to travel safely to the aircraft and hence to monitor the whole of the boarding.

Charter Flights

59. The CFMT monitored seven flights during 2019, travelling with escorts and removees from the escort muster point, monitoring the discharge at IRCs and thence to the airport and on the flight to the ultimate destination. They also monitored one removal up to the point of boarding. The destinations covered by the CFMT are listed in the Appendix.
60. The CFMT's most serious concerns in 2019 were, again, around the use of restraint, specifically the WRB, which the CFMT considered was necessary, reasonable and proportionate in many, but not all, cases. According to their observations, this form of restraint has, on occasion, been used in response to a simple statement of reluctance to leave, not accompanied by verbal threats or physical resistance on the part of the detainee. Where WRBs were used, they were often left on for many hours, even though DSO 07/2016, governing the use of restraint, requires that it should be used for the minimum possible time.
61. In the CFMT's experience, those removed under the provisions of the Dublin Convention, who were being removed to the European country where their asylum claims were to be determined, were subject to greater levels of restraint than other returnees. The figures bear this out:

25 of 29 detainees (86%) on the flights to Germany and Switzerland in January

were restrained;

8 of 29 detainees (27.5%) on the flight to Jamaica in February were restrained; in an intimidating start to their journey, 19 men were handed over to escorts by IRC staff in full PPE (ie riot gear, including helmets with visors).

17 of 24 detainees (70%) on the flights to Germany and France in July were restrained;

1 of 10 (10%) of detainees on the flight to West Africa in September were restrained;

5 of 8 in (62.5%) of detainees on the flights to Germany and Kosovo in November were restrained.

The CFMT has previously observed that these Dublin Convention returnees appear to be ill-prepared for their removal, that many have difficulties in understanding English and therefore in understanding what is happening to them or what is being said to them; in consequence they are more fearful than others. This appeared to be the case during the Dublin Convention removals monitored during 2019.

62. In 2019, as in the previous year, the CFMT considered that oversight of removals by the Home Office escorting contract monitoring team was inadequate, being too reliant on poorly-written reports rather than live monitoring.
63. While monitoring a flight to Germany in July 2019, CFMT observers witnessed an extremely distressing incident. Two men who had self-harmed shortly before being handed over to escorts were presented without having had their injuries medically treated, and in one case, semi-naked. IMB monitors considered that the treatment of these two men was degrading and inhumane.
64. There were also concerns raised about other aspects of returnees' journeys: as in previous years, returnees having to spend many hours on coaches, not all of which were fit for purpose, some having no heating or hot water, or insanitary toilet facilities. Toilet doors on coaches and aircraft were kept ajar when all detainees were using them, without individual risk assessment, a practice the CFMT regards as humiliating, particularly for women.

Appendix – locations monitored

Immigration Removal Centres

Brook House, Gatwick Airport
Dungavel, Lanarkshire
Heathrow
Morton Hall, Lincolnshire
Tinsley House and Gatwick Pre-departure Accommodation, Gatwick
Yarl's Wood, Bedfordshire, including the STHF for "lorry drop" cases

Short Term Holding Facilities

Dover IMB:
Kent Intake Unit and Frontier House

North & Midlands IMB:
Birmingham and Manchester airports, including the Manchester Airport residential facility (MAN 302)
Reporting Centres: Leeds, Waterside Court
Liverpool, Capital Building
Loughborough
Salford, Dallas Court
Sheffield, Vulcan House
Solihull, Sandford House

Glasgow & Edinburgh IMB:
Glasgow and Edinburgh airports
Larne residential STHF
Reporting Centres: Glasgow, Festival Court
Belfast, Drumkeen House

London Heathrow and City Airports IMB:
Heathrow and London City airports
Reporting Centres: London, Becket House
Hounslow, Eaton House

Destinations of flights monitored by the CFMT

Germany, France, Kosovo and Switzerland (for Dublin Convention cases)
Jamaica
West Africa (monitored up to the point of boarding)