

Chris Philp MP  
Minister for Immigration Compliance and the Courts  
Home Office

(via email to: [ChrisPhilpOffice@homeoffice.gov.uk](mailto:ChrisPhilpOffice@homeoffice.gov.uk))

2<sup>nd</sup> October 2020

Dear Minister,

## **IMPACT OF DUBLIN CONVENTION CHARTER FLIGHTS ON DETAINEES**

We are writing to alert you to the concerns of Independent Monitoring Boards (IMBs) about the impact of charter flights on the above cohort of detainees. This letter draws on first-hand observations and information from the IMB at Brook House Immigration Removal Centre (IRC) and the IMB Charter Flight Monitoring Team (CFMT).

Under Detention Centre Rules 61 (3) and (5), IMBs are required to bring certain causes of concern to the attention of the Minister. As members of the UK's National Preventive Mechanism, we additionally have a duty to identify practices in detention that could amount to inhuman or degrading treatment.

### **Background**

On 12 August 2020, in order to remove detainees who entered the UK via Channel crossings, the Home Office began a concentrated programme of charter flights to European Union countries party to the Dublin Convention. Men scheduled for removal on these charters have been brought to Brook House to be escorted from there to the flights. To date, eight such charters have left, one was cancelled and another (to Spain) injunctioned on the day before it was scheduled to fly.

To date, the main nationalities of those affected are Iranian, Iraqi, Kuwaiti, Syrian and Yemeni.

### **IMB findings**

Our evidence indicates that a series of issues are collectively and cumulatively having an unnecessary, severe and continuing impact on detainees, particularly those facing removal on charter flights, as well as across the detainee population as a whole. We believe that the cumulative effect of these concerns amounts to inhumane treatment. We should make it clear that

this is not a criticism of the detainees' treatment by the staff at Brook House, but rather of the circumstances surrounding detention and removal:

- The Brook House IMB has observed that the programme of charter flights has resulted in a sharp increase in the number of vulnerable detainees<sup>1</sup> at Brook House, as can be seen in the indicators on the Annex. In particular, a large number of men have been identified as at risk of suicide or self-harm, with significant numbers needing constant or hourly supervision as a result of incidents of actual or attempted self-harm and others needing less frequent observation. Additionally, some men have refused food or fluids, and there are others considered to be “at risk” if removal directions are served<sup>2</sup>. For much of September, detainees on ACDTs and those who have been assessed as “at risk” if removal directions are served represented around 20% of the centre’s population.
- As well as the impact on each individual detainee in the numbers shown in the Annex, it is evident to the Brook House IMB from our own on-site visits and monitoring that this charter flight programme is having a wider impact on detainees. We have spoken with men who say they have been picked up without warning from hostels, and who seem both bewildered and fearful about what is happening to them. In other conversations, we have heard men talk of being subject to racism, homelessness and hunger in the countries to which they are to be removed. In our view, these are signs of what we believe are both constant and high levels of stress and anxiety in the Brook House population generally. This is reinforced by our conversations with staff who are dealing with the detainees on a daily basis.
- In addition, it is the Brook House IMB’s view that there is a further negative effect on the wellbeing and anxiety levels in the centre arising from the concentrated nature of this charter flight programme. Many flights are clustered together (usually at least one and often two a week over a prolonged period), and for various reasons men may be ‘bumped’ to the next available flight. As a result, over August and September in particular, a large number of men at Brook House have become extremely distressed, as highlighted above and in the Annex. This is, in turn, having an effect on the wellbeing and anxiety levels of others who are living with these distressed men for days or weeks. There does not appear to be any mitigation or forward plan in place to address this issue if, as we understand, these frequent charter flights are to continue in the period between now and 31 December.
- The Rule 35 process is a key safeguard for identifying and managing vulnerability. It requires an experienced GP to assess the likelihood of a detainee’s health being injuriously affected by detention, or if they are at risk of suicide or may have been a victim of torture. During September, because of the pressures described above, there has been a significant backlog of these GP assessments at Brook House IRC – for example on 10 September, up to 60 men were waiting. There is still a considerable backlog, despite extra GP provision. In the Brook House IMB’s view, this is contributing to high levels of anxiety and unease among all detainees held there.
- Some of the vulnerable men who are still on ACDTs and constant supervision have been removed on flights: an example, observed by the CFMT, was a man who had poured

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<sup>1</sup> An aggregate of the categories in the Annex: individuals on an assessment care in detention and teamwork (ACDT) plan, especially those under constant watch (C/W), food and fluid refusal (FFR) and at risk if removal directions (RDs) are served.

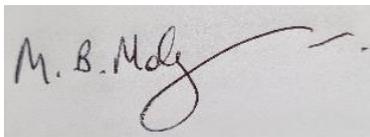
<sup>2</sup> The “at risk” assessment is based on factors such as removal directions triggering self-harm on previous occasions or statements about intention to self-harm if removal directions are served to a particular country.

boiling water on his legs in the hours before his removal. We understand that others had been taken to hospital after self-harm immediately before transfer back to Brook House for removal. The CFMT has noted that their vulnerability is compounded by a seeming lack of handover arrangements between the Home Office/escort contractors and the authorities in the receiving country when the charter flights land. It is not at all clear that any formal process exists for providing information to the receiving authorities about the mental and physical health of detainees, including any risk of suicide or self-harm; this may put the men at further risk. Our enquiries to the Home Office on this point have failed to elicit details of any current or planned process.

- An additional concern, which is exacerbating the distress of detainees both at Brook House and during charter flights, is the lack of information provided to the men about reception arrangements on arrival in the receiving country. A basic leaflet appears to be all that is provided and little effort is made to provide a full briefing or explanation in advance in a way that detainees can understand. This poor level of engagement with detainees means that their anxiety and risk levels are raised even further.

We are raising these issues because of our concern about the actual and potential risks of harm to detainees. Both the Brook House IMB and the CFMT would welcome an urgent response from you.

Yours sincerely,



**Mary Molyneux – Chair, Brook House  
Independent Monitoring Board**



**Lou Lockhart-Mummery – Chair,  
IMB Charter Flight Monitoring  
Team**

cc: Phil Riley, Director of Detention and Escorting Services  
Alan Gibson, Head of Operations, Detention and Escorting Services  
Mark Griffiths, Director, Returns Logistics  
Sebastian Potts, Assistant Director, Returns Logistics  
Dame Anne Owers, IMB National Chair  
Jane Leech, IDE lead, IMB Management Board  
Andrew Newell, IMB Regional Representative for IRCs  
Amy Barron, Head of IMB Secretariat  
Sarah Clifford, Head of Policy, Training and Engagement, IMB Secretariat  
Catherine George, Policy and Impact lead, IMB Secretariat

# ANNEX

## Impact of Charter Flights

