

Annual Report of the Independent Monitoring Boards' Charter Flight Monitoring Team

**For reporting year
1 January 2020 – 31 December 2020**

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INTRODUCTORY SECTIONS

1 THE ROLE OF THE INDEPENDENT MONITORING BOARDS' (IMB) CHARTER FLIGHT MONITORING TEAM

The Charter Flight Monitoring Team (CFMT) is appointed on an administrative, non-statutory basis by agreement between Home Office Immigration Enforcement (HOIE) and the IMB Management Board. The CFMT's role is to monitor and report on the conditions and treatment of immigration detainees removed from the UK on charter flights. Its remit begins when the detainee is transferred to the custody of overseas escorts in the immigration removal centre (IRC) and ends at the point of handover to local officials at the receiving destination. It is best practice for the CFMT to attend the briefing to overseas escorts when they muster for an operation.

2 EXECUTIVE SUMMARY

2.1 Background to this report

2.1.1. The CFMT presents its findings for the calendar year 2020, during which the outbreak of COVID-19 had a significant impact on the CFMT's ability to monitor. The CFMT has less first-hand evidence than in previous years but closed some gaps by reference to data obtained remotely.

2.1.2. Enforced charter removals were paused in March. Charter removals resumed at the end of April with voluntary repatriation flights to European destinations, and enforced removals followed later. These included long-haul flights to West Africa, Jamaica and Pakistan. Returnees were predominantly men.

2.1.3. On 12 August, the Home Office launched a concentrated programme of charter flights to European Union countries party to the Dublin Convention,¹ in order to remove men who had entered the UK irregularly, via Channel crossings. The pace of these operations increased. Some flights were exclusively for Dublin Convention returnees and others carried this cohort and foreign national offenders, the latter flown on to Poland, Romania or Lithuania after the Dublin cohort had disembarked. There were 19 flights removing Dublin Convention returnees between 12 August and 22 December. The Dublin elements of a further seven flights which had been planned in this period were cancelled, typically the day or night before, in face of legal barriers or COVID-19 considerations.

2.1.4. The impact of the concentrated nature of these operations on Dublin Convention returnees was of grave concern to the CFMT. Men who had just self-harmed were removed, despite their vulnerability. There appeared to be no formal process to provide information to the receiving authorities about the mental and physical health of these men, which may have put them at further risk.

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.

2.1.5. These concerns were raised with the minister on 2 October in a joint letter from the Board for Brook House IRC (where Dublin Convention returnees were detained pre-charter) and the CFMT.² His reply, on 25 November, was disappointing.³ It addressed none of the CFMT's concerns head on. These are repeated in this report. Meanwhile, the same concerns, and many others, had been raised in the 28 October submission on behalf of IMBs to the Home Affairs Select Committee enquiry into Channel crossings, migration and asylum-seeking routes through the European Union.⁴

2.1.6. Mitie Care and Custody Limited remained HOIE's escort contractor. 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.

2.2. Main judgments

2.2.1. **Were returnees treated fairly?** Many were treated fairly; there were exceptions:

- Not all returnees whose progress the CFMT has been able to track from the point of collection at the IRC onwards into the plane appear to have been told about use of the guiding hold and/or of filming, among other things (see paragraphs 4.2.2 and 4.2.3).
- Dublin Convention returnees had no access to interpreters on the tarmac when they were told in English to get into the plane (see paragraphs 4.5.2 and 4.9.2).

2.2.2. **Were returnees treated humanely?** The CFMT observed many returnees treated kindly and with respect. Again, there were significant exceptions:

- Dublin Convention returnees who had recently self-harmed were still removed, despite their vulnerability, often under restraint (see paragraphs 3.1–3.3; 3.7.1; 3.7.2; 3.8.2 and 3.8.8).
- Some returnees were again confined in vehicles for unacceptably long periods (see paragraphs 4.4.1 and 4.4.2).
- Not all returnees whose progress the CFMT has been able to track were offered access to a lavatory immediately before leaving their IRC, much less warned that they were then likely to spend hours confined in vehicles (see paragraphs 4.1.3 and 4.4.4).
- The offer of a pillow or a blanket was not consistent, even on the long-haul flights (see paragraph 4.6.2).

² <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2020/12/Letter-to-Minister-Charter-Flights-EU-Impact.pdf>

³ <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2020/12/Letter-to-Brook-House-Independent-Monitoring-Board-and-IMB-Charter-Flight-Monitoring-Team.pdf>

⁴ <https://committees.parliament.uk/writtenevidence/14811/pdf/>

2.2.3. **Were returnees well prepared for their removal?** As in 2018 and 2019, Dublin Convention returnees, again, appeared to be ill-prepared for their removal to the member state with responsibility for dealing with their asylum applications (see paragraphs 6.1.1 – 6.1.4). Information on reintegration support for returnees to Jamaica and to Pakistan was available. The CFMT does not know how widely it was distributed (see paragraph 6.2.1).

2.3. Recommendations

To the minister

2.3.1. It was inhumane to persist in removing people under the Dublin Convention whose vulnerability was patent, as illustrated in this report. In his letter of 25 November 2020, referred to in paragraph 2.1.5, the minister wrote that: ‘detention and removal are essential parts of immigration controls. It is vital that these are carried out with dignity and respect and we take the welfare of the individual in our care very seriously’. The CFMT considers that persisting with these removals was at odds with these standards. Her Majesty’s Government has an opportunity to reassert them in practical ways in any new agreements with countries deemed “safe” which are intended to replicate other aspects of the Dublin Convention.”

2.3.2. If the reality of any such new agreements is that removal from the UK to the ‘safe’ country will be enforced removal, they must contain an express commitment to brief the receiving country on the needs of the returnee – a proper, structured handover of the sort not achieved in 2020, as evidenced in the report.

2.3.3. In its annual reports for each of 2018 and 2019, the CFMT recommended that use of airports distant from IRCs in the South East be discontinued. This recommendation was rejected both times. It is repeated here. The travelling time to distant airports was a significant contributor to the total period of confinement in vehicles, as evidenced in this report. The welfare of returnees subjected to these journeys did not appear to the CFMT to be a primary consideration.

To HOIE

2.3.4. Video coverage of escorts collecting a returnee at the IRC can be inadequate if only one body-worn camera is used. This approach must be reviewed, as must the approach to filming incidents which happen on the plane before take-off or while it is in the air (see paragraphs 3.8.1 and 3.8.6, third bullet).

To HOIE and to Detention Services

2.3.5. There must be no continued use of areas in an IRC from which people are collected for charters which expose them, or the escorts or any officials or observers present, to an environment which is unsafe under COVID-19 conditions (see paragraph 3.9.4).

2.3.6. Use of IRC staff dressed in riot gear when they present a returnee for transfer to escorts' custody must be kept under constant review (see section 3.7).

2.3.7. If enforced charter removal to a 'safe' country is resumed under, for example, new agreements envisaged in paragraphs 2.3.1 and 2.3.2, these returnees must be told in a language they understand what to expect upon arrival in the 'safe' country (see paragraphs 6.1.2 – 6.1.4). The Home Office detainee engagement team (DET) in an IRC should have a role here.

2.3.8. The same team in an IRC must: (1) continue to offer the Charter Flight Information booklet and explain its contents to all returnees in advance of charter removal, using interpreting services where necessary (see paragraph 4.3.4) and (2) distribute all published literature on reintegration support offered in Jamaica, Pakistan and West Africa to returnees to these countries in advance of charter removal (see paragraph 6.2.1).

To HOIE and to the escort contractor

2.3.9. Professional interpreting services must be provided to all returnees who need it, at every stage of the removal process on the day, including on the tarmac at the airport (see paragraph 4.5.2 and section 4.9).

2.3.10. A supply of compression socks must be available on the plane and offered to returnees under the guidance of the paramedics (see paragraph 5.1.1, first bullet).

To the escort contractor

2.3.11. The person escort record (PER) is intended to be a running log which each escort must maintain for each returnee in his/her care during the removal process. There is a continuing need to demonstrate that information which all returnees are entitled to is given at the right time and recorded in the PER. For example, the offer of access to a lavatory before leaving the IRC, use of the guiding hold, filming, the potential of a pillow or blanket on the plane, the potential of talking to the chief immigration officer (CIO) during the flight (see paragraphs 4.2.2, 4.2.3, 4.6.2, 4.6.3 and 4.6.5).

2.3.12 Continued use of restraint and the reasons for this were rarely noted in the PER, despite the routine instruction to escorts during the staff muster to record (paragraph 3.8.8). This should be standard practice.

2.3.13. Returnees must not be confined in vehicles for hours. The CFMT observed that they were rarely given any hint of the likely timeline. The first and last components of time spent in vehicles (collection and then hanging around at airports) must be better managed, to minimise in-vehicle confinement. The recommendation about coach confinement made in the CFMT's 2019 annual report

was accepted but the CFMT has no evidence of any real change in practice, or knowledge of the outcome of the intended 'deep dive' review (see section 4.4).

2.3.14. The escorts must be instructed to explain the contents of the individual information packs to all returnees, with assistance, where needed, from interpreters (see paragraph 4.3.5).

2.4 Progress since the CFMT's last report

The minister responded on 23 October 2020, five months after the report was published. Tracking progress was therefore challenging. The two significant improvements are HOIE's timely oversight of the escort contractor's performance on the day, and evidence that the escorts are giving many returnees important information more consistently.

EVIDENCE SECTIONS

3 SAFETY

3.1. The approach to the care and management of immigration detainees who are at risk of self-harm and/or suicide is set out in Detention Services Order (DSO) 6/2008, entitled 'Assessment, Care in Detention and Teamwork' (ACDT). Detainees so identified have individual ACDT care plans in which their state of mind, care and supervision must be regularly recorded.

3.2. Vulnerable Dublin Convention returnees ('Dublin returnees') with current ACDT care plans, some of whom had also been on constant watch while in Brook House IRC, were removed during the concentrated programme of Dublin flights. A few examples:

- Of the cohort of 12 on one flight, eight had current ACDT care plans and seven of them had been on constant watch up to the point of being transferred to the escorts' custody.
- Of another cohort of six on the same flight, four had current ACDT care plans and one of them had been on constant watch.

3.3. Some examples of their self-harm:

- A man who had poured boiling water on his legs: the CFMT saw that he could not bear the escorts' paramedic to examine his legs.
- A man who had tried to make a hole in his scalp: the CFMT saw that the wound site was still bloodied.
- A man who had made repeated attempts to hurt, or perhaps kill, himself, recorded as: 'used shoelaces to create a ligature; cuts to stomach; head butt and punching self against wall; placed plastic bag over his head × 2; attempted to self-suffocate with a pillow'.

3.4. A current ACDT care plan must travel with the subject returnee. Escorting staff must engage in meaningful and supportive interactions while the subject is in their custody, and note them in the care plan. The CFMT has an example of ACDT care plan notes on a Dublin returnee made by overseas escorts. The notes recorded routine events, such as a visit to the lavatory, with one bald entry that the man was upset at one point following a telephone conversation. In the absence of evidence to the contrary, it was reasonable to assume that no attempt was made to get underneath the problem or offer support.

3.5. Escorting staff were reminded at muster briefings the CFMT attended that Dublin returnees might be more fearful of the consequences of removal than returnees going back to their own countries of origin. Recent self-harm is an

indicator. The CFMT observed that this important information about fearfulness was included in a long list of other instructions, often delivered at speed. The CFMT was dismayed to hear one briefing start with the words 'you've heard this before', which, in the CFMT's view, diminished the possible impact of the message. On another occasion, the escort giving the muster briefing prefaced the instruction on fearfulness with an off-the-cuff jokey comment that it must be important as it was flagged in red on the muster checklist. The CFMT does not know if, or how, managers assessed what impact this reminder about fearfulness had in practice on escorts, to whom it was delivered routinely.

3.6. Self-harming was not restricted to Dublin returnees. Other returnees also left with current ACDT care plans. For example, during the last two months of the year, this was the case for four men removed, bound variously for Jamaica, Poland or West Africa. The removal of another such Jamaican was cancelled at the airport for legal reasons.

3.7. Use of force by IRC staff when presenting a returnee to the escorts

3.7.1. Many of the Dublin returnees whose collections the CFMT observed were presented to the escorts by IRC staff in riot gear, including helmets with visors down, and the lead officer holding a plastic body shield. Use of this kit is intended to protect the IRC staff if they have to 'extract' someone who refuses to walk out of his room. ('Extract' is the shorthand commonly used by the overseas escorts to describe the process.) The CFMT observed this approach four times on one occasion. Two Dublin returnees agreed to walk out when faced with staff in riot gear; two others did not and were extracted under force. During another removal, the CFMT observed five Dublin returnees presented to the escorts by kitted-up staff but did not see how these men were persuaded to leave their rooms.

3.7.2 The CFMT has been told that the decision to deploy IRC staff in riot gear is risk assessed in regard to the likelihood of the returnee's cooperation. The CFMT cannot gauge what the impact of being faced by a group of male staff in riot gear might have on the individual returnee but, viewed objectively, it is intimidating.

3.8 Escorts' use of restraints and of force

3.8.1. The process in the IRC of transferring a returnee to the escorts' custody is filmed. The lead escort has a body-worn camera. There is closed-circuit television inside the escort contractor's vans in which some returnees travel to the airport. The process of boarding the aircraft is also filmed, and also some events inside the plane before take-off. Written reports are required from all escorts involved in any use of restraint equipment and/or restraint techniques. These reports must include the reason for use, and timelines.

3.8.2. The CFMT's records on the number of returnees who left the UK during 2020 under some form of restraint are limited. However, as observed in 2019, the

incidence of use of restraint and/or force on Dublin returnees was significantly higher than on other cohorts. Illustrations include:

- Of the cohort of 12 on an August Dublin flight, six were put into waist restraint belts (WRBs) and cooperated with the process, and three were subjected to use of force.
- Of the Dublin cohort of six on a November flight, three were put into WRBs and cooperated with the process, although one of them was subjected to use of force when he became resistant once on the plane; a fourth man resisted very violently from the start and was put into restraints under force – techniques intended to achieve compliance via pain were also used; and a fifth was handcuffed when he became disruptive just before leaving the plane.
- None of the cohort of 17 on the February flight to Jamaica and none of the cohort of 13 on the December flight to Jamaica was subject to restraint or force.
- Of the cohort of 13 on the February flight to Pakistan, one was put in a WRB, cooperating with the process, and another, also in a WRB, cooperatively, was later put in leg restraints and carried on to the plane.

3.8.3. The WRB was the most common form of restraint used. It can be fitted in one of three positions: loose (and the CFMT observed no use); restricted, which permits some arm and hand movement; and secure, which wholly restricts arm and hand movement. The WRB can be adjusted to move into any of these positions. In two instances, the CFMT observed that a WRB was defective when first fitted; in one case it was immediately replaced, but not in the other. The latter returnee needed to be brought under further control once in the plane. As his WRB could not be adjusted to the secure position, the only option was to leave the man in the defective WRB and put him in rigid-bar handcuffs.

3.8.4. The CFMT observed that Dublin returnees, who offered no physical resistance when they were transferred to the escorts' custody in the IRC, were mostly put in WRBs if they had self-harmed and/or made a simple statement of reluctance, such as 'no, Germany'. The escorts deemed the use of the WRB to be necessary in the interests of the subject's safety and/or because of their stated reluctance to leave. The CFMT assessed this to be a proportionate response in some, but not all, cases. For example, a man enfeebled after self-harm was still put in a WRB in the restricted position. The CFMT questioned why, in his condition, he had been put into any form of restraint.

3.8.5 Use of the WRB was not invariably the decision. On one occasion, the CFMT commended the good practice of escorts who decided not to place some Dublin returnees in WRBs, even though they had been on ACDT constant watch at the IRC, including one who had been involved in an incident in the IRC on the previous day.

3.8.6. The CFMT assessed some uses of force to have been reasonable, necessary and proportionate responses, but not all. Examples include:

- The CFMT deplored the fact that the only way of bringing the returnee cited in paragraph 3.8.3 under control on the plane was by handcuffing him simply because the escorts had not used a fit-for-purpose WRB at the start.
- A Dublin returnee had a serious panic attack when presented to the escorts. Their paramedic confirmed this to the CFMT at the time. The CFMT saw that this returnee was behaving strangely and slid from his chair onto the ground. He was put in restraints under force. The escorts' reports painted a picture of deliberate obstruction. That was not the CFMT's assessment (see also paragraph 4.5.3).
- The CFMT questioned the use or extent of pain compliance techniques on some individuals. In one case, three different techniques were used. The CFMT reviewed the video footage but still could not gauge whether use had been proportionate. In another case, the CFMT hoped that the answers as to the extent of use would lie in video footage. Unfortunately, the footage of the returnee's collection and of his journey to the airport in an escorting van did not capture everything, and some escorts' use of force reports were unclear. Footage by a second camera officer during the man's collection from the IRC might have closed the gaps.

3.8.7. An escort walks up the steps of the plane on either side of the returnee, each holding his/her arm. This contact is known as a 'guiding hold'. The rationale is that the returnee is moving through an insecure area. Escorts are now required to record use of the guiding hold as a passive use of restraint. The CFMT welcomes this development. Records show that the guiding hold was maintained for a matter of minutes. The CFMT is satisfied that many returnees were told in advance that their arms would be held.

3.8.8. Home Office policy on the use of restraint(s) for escorted moves is set out in DSO 07/2016. It states that restraint is to be used for the minimum time possible. The escorts' judgment is to be made against the backdrop of an ongoing risk assessment. The DSO requires the reason for continuance of restraint to be noted in a returnee's PER. Recording was the exception rather than the rule. Examples include:

- Nine Dublin returnees on the same flight were kept in their restraints until they moved up to the door of the plane to leave, without explanation in the PERs.
- A Romanian was kept in his restraint for 75 minutes after the plane had taken off, without explanation in his PER; the more usual approach of the escorts' security team has, in the past, been to authorise release 15/20 minutes after take-off.

- The duration of one man's restraint was unclear but it seemed to have been maintained until 20 minutes before landing – again, without explanation in his PER.

The note in one PER recording release of restraint 45 minutes after take-off is poignant: 'good behaviour and pain'. Why so long after take-off despite 'good behaviour' and why 'pain'? Neither was explained.

3.9. COVID-19 protective measures

3.9.1. The escorts wore face masks during the collections that the CFMT observed from 30 June onwards, although, on that occasion, not all of them. Thereafter, the CFMT observed consistent use.

3.9.2. Returnees were given face masks, encouraged to wear them and, on a coach or on the plane, encouraged to change them. Returnees had individual packs, and the escorts carried spares. Returnees were temperature tested during the collection process by the escorts' paramedic.

3.9.3. Staff at Brook House IRC who were involved in collections wore no face coverings during the collections that the CFMT observed there in August and September.

3.9.4. Social distancing between the escorts and the returnee was not attempted during any of the collections that the CFMT observed under COVID-19 conditions. The CFMT accepts that social distancing was impossible while a returnee was being searched. The problem was compounded by use of some unsuitable locations, specifically the care and separation unit in Brook House IRC, in which there were no screens; the discharge area in Brook House, a confined space at the best of times; and the arrivals area in Colnbrook IRC, where the lead escorts and the observers had to stand by a counter, bunched together.

3.9.5. In September, the CFMT travelled from an IRC to the airport in a staff coach. The CFMT recalls that not all the staff wore masks, even though the coach was a public service vehicle.

3.10 HOIE oversight

3.10.1. Contemporaneous oversight by HOIE of all aspects of the escorting contractor's performance on the day had been patchy during 2018 and 2019. There was a welcome sea change this year. The CFMT was satisfied that there was contemporaneous oversight of all aspects during the last five months of the year, achieved despite the outbreak of COVID-19. Home Office monitors were drawn from both the escort contract monitoring team and the detention and escorting security team (DEST). Additionally, the CFMT observed Home Office officials from the local compliance team and/or the local DET attending some charter collections from an IRC.

3.10.2. The CFMT was also satisfied that the DEST reviewed reports and footage on uses of force soon after the event, and also discussed them at quality assurance meetings attended by the escort contractor. The CFMT understands that these meetings usually took place monthly.

4. FAIR AND HUMANE TREATMENT

There is an overlap between some of these considerations and those reported above, under Safety.

4.1 Collection at the IRC

4.1.1. A few Dublin and all the other returnees whose collection the CFMT observed were presented to the escorts by a single IRC officer, dressed in his/her uniform. The escorts generally accorded compliant returnees dignity and respect. The CFMT observed, as it had in 2019, that escorts showed good interpersonal skills when dealing with English-speaking returnees and were able to reassure some anxious people, as well as defuse some potentially difficult situations.

4.1.2. All returnees were searched as part of the process. This is a non-invasive search of the body and of clothing, carried out by escorts of the same gender as the returnee. These searches were usually made privately, in a dedicated room. Privacy of searching was not consistently achieved at Brook House IRC; the process was sometimes public, carried out in full sight of male and female staff not involved in it.

4.1.3. The escort contractor accepted the CFMT's 2019 recommendation that all returnees should be offered a comfort break before leaving their IRC, and has taken some steps to implement this. The practice is by no means embedded yet.

4.2 Verbal briefings to returnees

4.2.1. When the CFMT was at an IRC collection, it heard the information that escorts gave the returnee at that point, as well as later, on a coach from the IRC to the airport. That first-hand evidence was supplemented by reading the PERs of 159 individuals removed between 29 September and 10 December whom the CFMT selected at random. Some were Dublin returnees, others were foreign national offenders removed to European destinations and others, returnees to West Africa or Pakistan.

4.2.2. At the staff muster briefings that the CFMT attended, staff were reminded of a raft of information to be given to each returnee, and the need to note this fully in the PER. The escort contractor had acknowledged the need for better recording in response to the CFMT's 2019 annual report. If a PER does not record the following

points, for example, there is no objective evidence that this important information was given:

- the returnee's arms would be held while walking up the steps into the plane (the guiding hold)
- he/she would be filmed going into the plane
- he/she could speak to the CIO on the plane
- a pillow or blanket might be available on the plane.

4.2.3. The CFMT's evidence shows an improvement in recording over the last three months of the year; if the basic information was not given by the escorts when the returnee was collected from the IRC, it was usually given later, and before the relevant event. Use of the guiding hold and filming were sometimes repeated. However, the CFMT has no evidence that all the 159 returnees mentioned above were told about the guiding hold, filming, possible access to the CIO or the availability of a pillow or blanket. Returnees who did not initially cooperate with the escorts on collection tended not to be offered a full verbal briefing.

4.3. Written information for returnees on the day

4.3.1. The CFMT observed a new approach for the first time in February, with a personalised information pack for each returnee. It contains the official Home Office complaint form, HOIE's Charter Flight Information booklet and the escort contractor's Information booklet, each now available in 18 languages in addition to English. This is a positive development. The CFMT observed individual packs in the returnee's principal language.

4.3.2. The CFMT observed that escorts offered the pack to some returnees during collection from the IRC, and that for others it was taken for them to the vehicle on which they travelled to the airport. Returnees brought to the airport from the Manchester Residential Short-term Holding Facility were escorted there by in-country escorts. They appeared not to be given any documentation of this sort until they were transferred to the custody of overseas escorts at the airport.

4.3.3. It appears that the Home Office complaint forms are still available on the plane, and also in the coaches. The CFMT has a recent example of an escort giving one to a returnee to complete on the plane.

4.3.4. The Charter Flight Information booklet was revised twice during 2020, first to outline the COVID-19 protection measures which would be required during the journey, and secondly to explain that the Home Office complaint forms are available from escorts. This second change was made at the CFMT's request. Some of the

information in the booklet needs to be communicated long before the returnee meets the escorts. HOIE has told the CFMT that it has confirmation that the DET in each IRC offers it when giving the returnee formal notice of removal – a welcome change.

4.3.5. An assumption of literacy, even in the returnee's principal language, may result in unfairness. Not every returnee is interested in the information pack, but it is an exceptional escort who takes the trouble to explain its contents. The CFMT has a couple of examples of this, as well as a few of an interpreter being involved.

4.4. The journey from the IRC to the plane

4.4.1. Returnees continued to be confined in vehicles for long periods, regardless of its possible impact on them. They have no choice in the matter. These periods of confinement have three components: (a) sitting in the vehicle in the IRC yard; (b) the road journey from the IRC to the airport; and (c) the wait between arriving at the airport and boarding the plane.

4.4.2. In its 2019 annual report, the CFMT recommended that the first and third components of the journey be better managed to minimise in-vehicle confinement. The escort contractor accepted this recommendation. It anticipated carrying out a 'deep dive' review. The review had either not started or not been completed by the end of 2020. The following examples illustrate periods of vehicular confinement:

- A man, on a current ACDT care plan (therefore, someone already identified as vulnerable) sat for nearly three hours in his coach before it left the IRC, and was stuck in it at the airport for a further two hours 48 minutes.
- A man travelled to the airport in an escorting van and sat in it for two hours 25 minutes before it left the IRC, and a further one hour 41 minutes at the airport.
- Another man was in an escorting van. While it left the IRC promptly, it then parked en route to the airport for one hour and 13 minutes, noted in the man's PER as 'due to empty time'. He spent a further one hour 35 minutes in the van at the airport – empty time again. He was not allowed to stretch his legs during the pit stop en route, and nor did the CFMT expect this, but what possible welfare consideration informed the decision to expose him to 'empty time' during the road journey?

4.4.3. The use of airports far from IRCs in the South East, where most of the returnees are detained, contributes significantly to the time spent confined in vehicles. A man who travelled from his IRC in the South East to a distant airport spent nine hours 35 minutes in his coach – three hours sitting in it before it left his IRC, four hours 15 minutes on the road and a further two hours 20 minutes at the airport – before he could get onto the plane.

4.4.4. It would be both fair and humane to warn returnees that they face hours in a coach or a van when asking if they want a comfort break before leaving the IRC. A

coach has a small WC which returnees can use during the road journey. Returnees in a van can only be offered a disposable urine bag once on the road.

4.5. Boarding the plane

4.5.1. Returnees were escorted onto the plane, one by one, with an escort on either side, using guiding holds. There were more escorts walking up immediately behind, to push the returnee onwards if he paused on a step. Returnees were filmed going up the steps. The CFMT's records show that many, although not all, had been told in advance that the guiding hold would be used and that they would be filmed walking up the steps. This is an improvement on the position that the CFMT reported in 2019.

4.5.2. The requirement to get onto the plane was a trigger point for resistance by some. Force was then used, and some were carried on board. The situation might perhaps have been defused had an interpreter been present on the tarmac.

4.5.3 The Dublin returnee referred to in paragraph 3.8.6 (second bullet) was carried on board, bare-footed and in his restraints, applied at the IRC. The CFMT observing him being carried on board noted that he appeared to be semi-conscious and in a state of collapse.

4.5.4. One Dublin returnee's self-harm included cutting up his feet. The IRC staff who presented him to the escorts brought him in a wheeled chair. The CFMT saw that he could not stand unsupported. He was not asked to try to walk. The Home Office contract monitor who was observing telephoned the CIO to request an Ambulift at the airport. It was impossible to arrange this at short notice. The escorts taking the man onto the plane decided that he could walk. The option of gently carrying him on board did not appear to have been considered. The CFMT observed him walk slowly in pain, with escorts supporting his arms. In the view of the CFMT, this was harsh treatment.

4.6. The flight

4.6.1. The CFMT flew on the charters to Jamaica and to Islamabad in February. Each was uneventful.

4.6.2. Blankets and pillows are carried on board. The escort contractor intends its staff to offer them to returnees, subject to risk assessment. CFMT records indicate that the offer was made more frequently than it had been previously but by no means to everyone.

4.6.3. 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.

4.6.4. There were on-board surgeries on each of the charters on which the CFMT flew. The applicants were given a fair hearing. When the CIO undertook to check something on arrival at the destination, such as the returnee's then immigration status, he did so.

4.6.5. There were no surgeries on the short-haul flights to European destinations. This is the standard approach. The CFMT is assured that when there is no surgery, the CIO will nonetheless speak to any returnee whom the escorts bring to his attention. The possibility of talking to the CIO on the plane was better recorded in PERs towards the end of the year than previously, although quite a few were silent on this point. It was encouraging to read that some returnees who wanted to speak to the CIO were able to. Less satisfactory were instances of a returnee saying yes but not then having access to the CIO. The reasons for this are not known to the CFMT; the returnees change of heart may be a possibility but the CFMT cannot assume this was invariably the likely explanation.

4.6.6. Some returnees left with virtually no money – a pound or two – and mentioned this to escorts. The CIO leading a flight has the discretion to make destitute payments to a maximum of, usually, £50 if the returnee has insufficient funds of his/her own to travel from the airport at which the plane lands to his/her final destination. Foreign national offenders were the principal beneficiaries. Financial support for Dublin returnees is not generally considered. HOIE told the CFMT that the receiving European authorities were responsible for meeting this need. The CFMT has no means of discovering whether they did in practice.

4.6.7. 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 it 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. The blanket ban on privacy of use is nonetheless demeaning.

4.7. Handover of Dublin returnees to the receiving authorities

4.7.1. The CFMT found no evidence of appropriate handover, and no evidence that the mental and physical health of the returnees, including any recent additional event, such as self-harm, was expressly drawn to attention. This may have put the men at further risk. The CFMT raised this issue with the Home Office in the summer. A possible gap was informally acknowledged later, and at the end of November, formally, in response to a CFMT report: 'We are looking to bridge this gap as there is pertinent information which is not being shared'. By the year-end, the CFMT still had no detail on any then planned or current process.

4.8. Disembarkation generally

4.8.1. For the two charters on which the CFMT flew in February, disembarkation and handover to the receiving authorities were smooth. One Pakistani's removal had been cancelled by the time the plane landed. He was overjoyed and hugged his escorts, who seemed genuinely glad for him. He was brought back.

4.8.2. In its 2019 annual report, the CFMT recommended that disembarkation be filmed. That year, the CFMT had observed two men resisting transfer to the receiving authorities on the top step, immediately outside the door of the plane. One resisted violently and the escorts used force. Unfortunately, their written reports were not entirely clear. The recommendation was rejected.

4.8.3. The CFMT has evidence that a Dublin returnee who had resisted removal from the start of the process in the IRC was interviewed inside the plane by the receiving authorities, and that he then agreed to 'comply' – shorthand for leave peaceably.

4.9. Use of interpreters

4.9.1. HOIE, again, identified the linguistic needs of Dublin returnees, and interpreters were booked. In its 2019 annual report, the CFMT recommended their use at every stage of the removal process on the day, including on the tarmac as returnees were told to board the plane. The recommendation was accepted, jointly by HOIE and the escort contractor, with a commitment to improve the use of interpreters: 'particularly at those key junctures identified by the CFMT'.

4.9.2. Interpreters were used effectively at collections of Dublin returnees which the CFMT observed. Some travelled on to the airport and flew. The CFMT has neither first-hand nor other evidence that any were deployed on the tarmac. The CFMT has some evidence that escorts asked for an interpreter when a returnee became agitated or difficult on the plane, but not that this was standard practice.

4.9.3. The man referred to in paragraph 3.4 had needed the services of an interpreter during his collection from the IRC. The CFMT found no evidence that any of the escorts thought to call an interpreter when the man became upset on the plane. All that was recorded was the fact of his upset.

4.10. Access to nicotine substitutes

4.10.1 Smoking is not allowed once the returnee is in the custody of the escorts. This may heighten anxiety for some. The escorts have, or should have, Nicorette lozenges or similar products. The CFMT was not confident that a stock was routinely carried on all vehicles in which returnees travelled to the airport, or, if it was, that the escorts all knew this. The CFMT picked up examples of a few escorts checking whether the returnee in their care was a smoker. The CFMT also picked up two

examples, on the same day, of two returnees asking if they might smoke before getting on the plane. Their requests were understandably refused, but they were not offered the nicotine substitute. Each had observed escorts smoking in plain view, landside at the airport. The CFMT considered that this was particularly thoughtless of the escorts.

5. HEATHCARE

5.1. Fitness to fly

5.1.1. Self-harm is not of itself a bar to removal. That is HOIE's established approach. The judgement on fitness is made by medical professionals in an IRC's healthcare team. The escort contractor's paramedics also have a role. A paramedic attends each collection. The CFMT has two examples of a paramedic expressing a view, with different outcomes:

- A 60-year-old man returning to Jamaica in February needed compression socks on medical grounds. He was on a range of medication, including warfarin (a blood-thinning tablet). He was clearly anxious about the risk of deep-vein thrombosis. He spoke about this to the lead escort at the IRC. The IRC healthcare team confirmed that socks had been ordered for him but had not yet arrived. The lead escort contacted his office to check whether they had a stock; they did not. The paramedic said to both the lead escort and the CFMT that the man could not fly without compression socks. The CFMT next met the man on the plane and offered him new compression socks that they had brought for their own use. He was pleased. An escort helped him put them on.
- In November, a paramedic judged a Dublin returnee unfit to fly after self-harm, when the IRC healthcare team had earlier come to the opposite conclusion. The man's removal was then halted – postponed for another 19 days. The CFMT was encouraged to learn later that IPRS Aeromed had set up a helpline to support its clinicians and reduce the burden of aborting charter removals on medical grounds, perhaps in response to this incident.

5.2. Attention to healthcare needs at collection and during the journey

5.2.1. The paramedics assume responsibility for a returnee's healthcare needs once he/she is presented to the escorts. The paramedic takes charge of confidential medical documents and prescribed medication from the IRC healthcare team. The paramedics not only attend each collection, but also travel on to the airport and fly. The historic pattern was that two paramedics flew. The CFMT's records show that there was often an increase to three during the last three months of the year. The ratios of flying paramedics to returnees on three flights, all in the first week of November, stand out:

- three returnees, all Dublin, with two flying paramedics
- six returnees (three Dublin and three foreign national offenders) with three flying paramedics
- 20 returnees (foreign national offenders) with four flying paramedics.

In the CFMT's view, this level of medical support during a flight underscores the vulnerability of the returnees, particularly Dublin returnees.

5.2.2. The paramedics whom the CFMT observed during collections were professional and empathetic, and respected a returnee's refusal to allow examination of a self-inflicted injury site. PERs show that escorts were proactive in alerting paramedics to any medical need that a returnee expressed during the journey, if only a headache. Prescribed medicines were also dispensed.

5.3. **Handover of medication at the destination**

5.3.1 The CFMT observed in February that the paramedics returned prescribed medication and confidential medical documents to the returnee to whom they belonged shortly before that person left the plane. The CFMT has since been told that this was the standard approach, but is unsure whether it applied just to returnees arriving in their own countries or to them and Dublin returnees. The handover of medication was rarely noted in a PER.

6. PREPARATION FOR REMOVAL

6.1. Dublin returnees were, again, ill-prepared

6.1.1. As in 2019, the CFMT observed that Dublin returnees were ignorant of what would happen to them on arrival in the EU member state. Many were clearly fearful.

6.1.2. Last year, the CFMT recommended, for the second time, that these returnees be told, in a language they understand, what to expect on arrival, and that this need be met urgently. The recommendation was rejected again, in the following terms: 'The Home Office cannot accept this recommendation. It is unlikely that member states will agree to set out their intentions about how they intend to handle a person's case upon their return to the member state'. The CFMT inferred from this speculation that no attempt had even been made to test a receiving member state's willingness to lay out even some basic information on its approach.

6.1.3. HOIE referred the CFMT to a leaflet published by the European Commission, entitled 'I'm in the Dublin procedure – what does this mean'. The CFMT was told that it is given to everyone at the point they enter the Dublin process in the UK. HOIE advised the CFMT during the summer that the leaflet was now available in eight languages in addition to English.

6.1.4. This would be progress if the leaflet contained the information that the CFMT recommended be given, but it does not. It simply gives basic information on how the process operates, although it does include the following statement: 'The responsible country will treat you as an asylum seeker and you will benefit from all related rights'. What are the practical implications of this message for the individual?

6.2 Reintegration programmes for returnees to Jamaica and Pakistan

6.2.1. The CFMT has seen the relevant literature but was unable to assess how widely it was distributed during the actual removal process. Early sight of it might reassure some returnees.

7 THE WORK OF THE CFMT

7.1. The CFMT is composed of Board members from prisons, non-residential immigration short-term holding facilities and IRCs. They are volunteers, taking on CFMT duties in addition to those of their home Boards. There were six in the team; two continued to monitor on a restricted basis following the outbreak of COVID-19. There are three prospective new members.

7.2. Another impact of the outbreak was that external training needed by prospective new members was not possible.

7.3 The CFMT fully monitored charter operations to Jamaica and Pakistan in February, and aspects of operations later in the year: specifically, a voluntary repatriation charter to Romania in June; Dublin operations in August, September, October and November; an operation to Lagos and Accra in November; and an operation to Jamaica in December.

7.4. The CFMT continued to present reports to HOIE, which it circulated to the escort contractor. Responses took the form of an action plan – a welcome development. The escort contractor’s response was, again, erratic. Quarterly meetings between the CFMT, HOIE and the escort contractor continued and were particularly useful.

7.5. The Home Office detention and escorting complaints team now provides the CFMT with data on returnees’ charter-related complaints, in cases where the returnee has consented to the complaint being shared with the CFMT. According to that source, there were no new complaints during the year.