

PRESS RELEASE

19th September 2002

For immediate release

Urgent call to the UN to investigate plight of asylum-seekers and migrants in UK detention centres

Children, pregnant women, the seriously ill, torture survivors and the mentally ill are among thousands of asylum-seekers and migrants each year who are detained indefinitely and arbitrarily in the United Kingdom, a report published today (Thursday) announces.

In a submission to a United Nations group charged with considering situations of arbitrary detention, specialist charity Bail for Immigration Detainees (BID) has called for an urgent investigation in to the plight of immigration detainees.

The Government were warned that they must only use immigration detention in line with internationally recognised standards when the UN group came to the UK in 1998.

Yet four years on, almost all the recommendations made to the UK in 1998 have been ignored and the situation for detainees is worsening.

“There are no safeguards to stop prolonged periods of administrative detention,” says Tim Baster, Coordinator of BID. “People are detained indefinitely on the instruction of an immigration officer. Immigration officers refuse to give reasons for detention. The Legal Service’s Commission hamper access to the courts and the Government is repealing legislation that promised automatic bail applications. The result is arbitrary detention.”

BID’s submission shows the ways that rights are violated throughout the entire process of detention, from the initial detention decision to the flawed and inadequate access to independent scrutiny.

Attention is also drawn to the impact that new Government policies will have on detainees. Plans to double the capacity of the detention estate and to allow the detention of children for indefinite periods will compound the effect of the repeal of automatic bail hearingsⁱ. The Government introduced this provision in 1999 legislationⁱⁱ, in order to meet obligations under the European Convention on Human Rights, but it was never implemented.

“The Government have gone as far as to change the name to removal centres, even though significant numbers of detainees still have rights of appeal and may go on to get full refugee status,” says Tim Baster. “The way in which this Government is deliberately choosing not to implement safeguards forces us to conclude that the arbitrary use of detention is designed to make detention a deterrent to people seeking asylum here.”

Smart cards and other initiatives announced by the Government reduce the need to employ expensive and traumatic detention policies. There is no empirical evidence to show that detention is necessary to achieve immigration control, yet its use is growing. The Home Secretary himself acknowledges that *“The smart card and the reporting centres will enable us to get a grip on where people are at any time, and what they are doing... People who apply for asylum want permanent status in this country. That is why they do not come here and disappear illegally.”*^{iv}

BID’s report recommends an immediate end to the detention of children, the mentally and physically ill and those who have been tortured. In order for detention not to be arbitrary, BID also calls for a statutory maximum length of detention and provision for all those detained to have prompt and automatic access to a court to consider lawfulness and necessity of detention in the particular circumstances of the case.

ENDS

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Notes to Editors

1. The full report and a summary of recommendations can be downloaded from BID's website at www.biduk.org from the afternoon of the 19th September.
2. A public launch of BID's submission will be held on the evening of Thursday 19th September 2002 at King's College London (Franklin Wilkins Building). Please reserve a place by phoning 020 7247 3590.
3. BID is an independent charity that prepares and presents bail applications on behalf of those detained under Immigration Act powers. In 2001 BID was awarded the Liberty/Justice Human Rights Award.
4. The Nationality, Immigration and Asylum Bill will be considered at Report stage in the House of Lords on 9th, 10th & 16th October 2002. Issues of detaining children and access to judicial scrutiny will be debated.
5. The White Paper, *Secure Borders, Safe Havens*, was published in February 2002.
6. Detention centres have been re-named removal centres. They are not the same as accommodation or induction centres. *"[The name change] does not signal a change of function for such centres. They will remain designated places of detention for the purposes of the Immigration Act. Similarly, it does not signal a change to the powers to detain"* (Lord Bassam, HoL Deb 15 July 2002, C 1081)
7. There were 250 people detained in early 1993, by May 2002 detention capacity was 2068, 150 of which are family spaces. Detention centres are located at Haslar in Hampshire, Dover in Kent, Tinsley House close to Gatwick airport, Harmondsworth near Heathrow, Campsfield in Oxfordshire, Lindholme in Yorkshire and Dungavel in Scotland. Oakington (Cambridgeshire) is used for not more than seven days for cases under the fast track asylum process.
8. International standards include: UN Declaration Article 9 *"no one shall be subjected to arbitrary arrest, detention and exile."* International Convention on Civil and Political Rights Article 9 (1) *"no one shall be subjected to arbitrary arrest or detention."* Article 14 of the Universal Declaration on Human Rights states *"Everyone has the right to seek and to enjoy in other countries asylum from persecution."*

ⁱ A copy of the UN Working Group on Arbitrary Detention report can be found at www.unhcr.ch/html/menu2/7/b/mard.htm (Ref: E/CN.4/1999/63/Add.3)

ⁱⁱ See White Paper, *Secure Borders, Safe Havens*, Feb 2002, Para's 4.74, 4.75, 4.77, & 4.83

ⁱⁱⁱ Part III of 1999 Immigration & Asylum Act

^{iv} HoC Deb 29 October 2001, C 461 & 634 Hansard