

Expanding Detention Powers in the Illegal Migration Bill

A briefing produced jointly by Bail for Immigration Detainees (BiD), Detention Action, Medical Justice and Women for Refugee Women in response to the provisions outlined in the Illegal Migration Bill, first introduced in March 2023 in the House of Commons.

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Term Guide

Bail for Immigration Detainees (BID)

Detained Duty Advice Scheme (DDAS)

Detained Fast Track (DFT)

Exceptional Case Funding (ECF)

European Court of Human Rights (ECtHR)

Freedom of Information Act Request (FOI)

Immigration Removal Centre (IRC)

National Health and Care Excellence (NICE)

National Referral Mechanism (NRM)

Residential Holding Room (RHR)

Secretary of State of the Home Department (SSHD)

Short-Term Holding Facility (STHF)

The Current State of Immigration Detention

Immigration detention in the United Kingdom causes profound harm to people due to the conditions and ineffective safeguarding policies. Decades of neglect and mismanagement are felt by the people who are detained in poorly run and maintained facilities. The “Illegal Migration Bill” introduced into the House of Commons on 7 March 2023 risks exacerbating many of the problems already pervading the UK’s immigration detention system.

Summary of Current Powers

The Immigration Act 1971 grants wide powers to remove and detain those who have no legal right to enter or remain in the UK. However, these powers are subject to fundamental procedural protections in their application. They are intended to be exercised according to long-standing principles of common law, to reflect fairness and a respect for the fundamental right to liberty.¹

People with an unsettled immigration status should only be subjected to immigration detention for administrative purposes. It should not be used as a punishment, in place of a criminal sentence or as a “deterrent” to others.² While immigration detention in the United Kingdom has no legal time limit, it is regulated by a key series of principles known as the *Hardial Singh* principles.³ The *Hardial Singh* principles require that, subject to legal interpretation, detention must be used only where:

- the Secretary of State for the Home Department (SSHD) intends to deport the individual in question;
- the length of detention is considered reasonable in the context of certain circumstances;
- there are no obstacles to removal taking place within a reasonable time; and
- removal can be pursued diligently.

These legal protections exist because it is recognised that the impact of immigration detention results in suffering for many people. It is inherently harmful to the health and welfare of people detained. Certain people - often termed ‘vulnerable persons’ - are recognised by the government as being particularly vulnerable to harm, and therefore at risk in detention. These include, but are not limited to:

- People suffering from a mental health condition or impairment;
- People who have been subjected to torture;

¹ Protection for the right to liberty finds its roots in Magna Carta and was extended to all within the jurisdiction irrespective of immigration status as long ago as 1772 in *Re Somerset’s Case* and see *Khawaja v SSHD* [1984] AC 74.

² Home Office, *Detention: General Instructions*, 2022, Page 7,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1114683/Detention_General_instructions.pdf.

³ *Lumba (WL) v Secretary of State for the Home Department* [2011] UKSC at [22].

- People who have experienced sexual or gender-based violence, including female genital mutilation;
- People who have been trafficked or subjected to Modern Slavery;
- Individuals who have Post Traumatic Stress Disorder (PTSD);
- Pregnant women;
- Individuals who have a serious physical disability;
- Individuals who have another serious health condition or illness;
- People who are over the age of 70.⁴

There is further evidence of the additional risk that children and LGBTQIA+ people face in detention.⁵

In recognition of the severe risks that immigration detention poses to children and pregnant women, there are strict statutory time limits. There is a time limit of 24 hours for the detention of unaccompanied children.⁶ Similarly, pregnant women may only be detained for 72 hours and thereafter for a maximum of seven days but only with ministerial authority.⁷ A similar policy exists for families with children, with the additional protection of an Independent Family Returns Panel that advises on the rights and welfare of any affected child and the impact of removal and detention.⁸ Children with families may only be detained with their parent(s) for 72 hours in the first place or for a maximum of seven days with ministerial approval. They may only be held in pre-departure accommodation.⁹

When a person is detained under immigration powers, they have a legal right to apply for immigration bail. Unless a person has directions for their removal within 14 days, bail can be granted with conditions. Said conditions are enforced to reduce the risk of absconding, which in any case is statistically quite low. A person in detention can also bring judicial review proceedings to challenge the legality of their detention.¹⁰ This is distinct from the writ of *habeas corpus*, which is concerned with whether the power to detain exists at all.¹¹

⁴ Home Office, *Immigration Act 2016: Guidance on adults at risk in immigration detention*, May 2021, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/987019/6.7166_HO_FBIS_BN_O_Leaflet_A4_FINAL_080321_WEB.pdf> accessed 16 May 2023.

⁵ The AAR policy specifically references intersex and “transsexual” people, but see: Laura Harvey, *LGBTQI+ people’s experiences of immigration detention, a pilot study*. February 2023,

<<https://www.rainbowmigration.org.uk/wp-content/uploads/2023/02/LGBTQI-peoples-experiences-of-immigration-detention-Report.pdf>> accessed 23 May 2023; Immigration Act, 2016, sc. 59; Adults at Risk in Immigration Detention, 2016.

⁶ Immigration Act, 1971, sc. 2, para. 18b.

⁷ Immigration Act, 2016, sc. 60.

⁸ Home Office, *Family returns process (FRP): Guidance and operational process for removing families with children under 18 years who no longer have any right to remain in the UK and are liable to be removed*, 10 July 2020,

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/899617/family-returns-process-v6.0-gov-uk.pdf> accessed 18 May 2023.

⁹ Immigration Act, 2014, s.6.

¹⁰ *R v. Secretary of State for the Home Department, Ex parte Khawaja* [1984] AC 74.

¹¹ *R v. Secretary of State for the Home Department, Ex parte Muboyayi* [1991] 1 Q.B. 244.

Addressing the Backlog

The changes in policy proposed through the Illegal Migration Bill, and its significant impact on detention, need to be understood in light of the UK's growing asylum backlog. As of December 2022, the backlog in unresolved asylum applications stood at around 132,000 applications, involving 161,000 people. In 2022, 89,398 people applied for asylum in the UK and in 2021 around 56,000. However, this massive backlog in unresolved applications can only be attributed in small part to the recent increase in people crossing the Channel to seek asylum. Records show that almost 50% of the current asylum backlog accumulated prior to July 2021.¹² Comparison with other countries in Europe shows that such a backlog is avoidable. In 2022, Germany received more than 244,000 asylum applicants and, as of the end of 2022, had an asylum backlog of 136,448.¹³ The UK therefore has a disproportionately large backlog relative to the number of asylum applications received.

Previously, the UK has sought to address the inadequacies of the asylum system by establishing new policies that would lead to mass removals, such as the Detained Fast Track (DFT) system. In July 2015, the Home Office's DFT system for the rapid processing of asylum claims was halted following a successful legal challenge, through which the UK courts consistently ruled that the system lacked sufficient safeguards to prevent vulnerable people being rapidly removed to danger. The DFT system was noted to specifically endanger children and victims of torture and trafficking. The system was ultimately ruled unlawful and suspended. Over a ten year period, the DFT system processed an average 2,434 asylum applications per year, with a peak of 4,286 in 2013. Even if this unlawful and unsafe system had remained in place, it would have contributed very little to clearing the current backlog of asylum applications.

Instead, evidence shows that the current backlog in asylum applications can be attributed to a number of factors stemming from inefficiency and mismanagement by the Home Office:

- Administrative problems including: inadequate training for decision-makers; a reliance on Excel spreadsheets; low morale, and, relatedly, high staff turnover;¹⁴
- The abandonment in 2019 of an internal Home Office target, or 'customer service standard', to process 98% of "straightforward" cases within six months;
- COVID-19 causing an additional decline in caseworker productivity in 2020, including fewer face-to-face interviews with asylum applicants; and
- New Home Office rules on 'inadmissibility' introduced from January 2021, which saw anyone arriving via a potentially safe third country subjected to additional, lengthy and complex processes that could delay a decision on their asylum by up to six months. From January 2021 to September 2022, 21,000 people were subjected to

¹² The Migration Observatory, *the UK's Asylum Backlog*, Oxford: University of Oxford, 5 April 2023,

<<https://migrationobservatory.ox.ac.uk/resources/briefings/the-uks-asylum-backlog/>> accessed 15 May 2023.

¹³ Paula Hoffmeyer-Zlotnik and Marlene Stiller, *Statistics: Germany*. European Council on Refugees and Exiles, 6 April 2023,

<<https://asylumineurope.org/reports/country/germany/statistics/>> accessed 15 May 2023.

¹⁴ David Neal, Independent Chief Inspector of Border and Immigration, 'An Inspection of Asylum Casework (August 2020-May 2021)', November 2021,

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1034012/An_inspection_of_asylum_case_work_August_2020_to_May_2021.pdf> accessed 15 May 2023.

this 'inadmissibility' process, but only 0.1% of those had been removed as of June 2022.

The prolonged mismanagement of the UK's asylum system has led to the unprecedented backlog of undecided asylum claims. This in turn has resulted in tens of thousands of people, including unaccompanied minors, being accommodated long-term in wholly unsuitable and often unsafe and improperly equipped accommodation - including private hotels - for long periods. Those awaiting a decision on their asylum claim are denied the right to work and so are forced to depend on financial support from the state, until they are granted a claim for protection or removed.

The Current Immigration Detention Estate

People are currently detained in seven Immigration Removal Centres (IRCs), most of which are located close to national airports, to facilitate removal. These are:

- Brook House (Gatwick)
- Colnbrook (Heathrow)
- Derwentside (County Durham): This is the only IRC solely for women.
- Dungavel House (Lanarkshire)
- Harmondsworth (Heathrow)
- Tinsley House (Gatwick)
- Yarl's Wood (Bedfordshire)

The government is in the process of expanding the immigration detention estate. It has recently announced plans to reopen and expand the Campsfield House IRC and Haslar IRC, increasing detention capacity by 1,000 places.¹⁵ In addition, the Home Office has opened new Short Term Holding Facilities (STHF) on the site of HMP Morton Hall and at Manston.¹⁶ At Manston, there is capacity for 1,600 places, 600 of which are planned to be part of a new residential holding room. The new STHF (Amendment) Rules extended the length of time that people can be held in such facilities from 24 to 96 hours (with a further power to extend the period in exceptional circumstances).¹⁷

People are often held in immigration detention for much longer periods than are necessary to facilitate their removal, and essential safeguards are already applied inconsistently. Detention Action is aware of numerous cases of people detained in excess of two years - and in extreme cases, for seven years or more - with no clear resolution identified by the Home Secretary. The indefinite nature of detention weighs heavily on those who are detained. As one person said:

“Not knowing when you’ll be released is the killer for everyone inside. It’s not like prison where you have been sentenced for two years or one month. At least then you would know. In detention, you don’t know how long you’re going to stay. The security guards don’t know about immigration, so there is no one you can ask what is going on. And you don’t know if today they’re going to call you to release you or take you to Heathrow. It could be a call at midnight, at ten o’clock, at four o’clock in the morning.”¹⁸

¹⁵Diane Taylor, “Home Office to reopen immigration detention centres with £399m deal,” the Guardian, 26 September 2022, <https://www.theguardian.com/uk-news/2022/sep/26/home-office-to-reopen-immigration-detention-centres-with-399m-deal>, accessed 15 May 2023.

¹⁶ “Swinderby RSTHF.” Association of Visitors to Immigration Detainees (AVID), <https://aviddetention.org.uk/node/729#:~:text=In%20July%202021%2C%20Morton%20Hall,only%20prison%20in%20mid%2D2022.&text=Home%20Office%20has%20since%20then,Prison%2C%20known%20as%20Swinderby%20RSTHF> accessed 15 May 2023.

¹⁷ The Short-term Holding Facility (Amendment) Rules, 2022, Rule 6A(1).

¹⁸ Jesuit Refugee Service, United Kingdom, ‘Detained and Dehumanised: the Impact of Immigration Detention,’ https://www.jrsuk.net/wp-content/uploads/2020/06/Detained-and-Dehumanised_JRS-UK-Report_28.06.2020_FINAL-1.pdf accessed 15 May 2023.

As of 2022, the shared capacity of the immigration detention system, which includes the above Immigration Removal Centres and Short Term Holding Facilities, was approximately 2,245.¹⁹ Typically, no more than 2,000 people are being detained in the immigration detention estate at any given time.²⁰ In 2022, 45,755 people arrived via small boat across the Channel, most of whom claimed asylum on arrival.²¹ The vast majority of people entering detention in 2022 were people seeking asylum, rather than people facing imminent removal.²² In 2022, the Home Secretary detained 20,446 people but 19,447 people were released (95%).²³ More than 15,000 people (78%) were released on immigration bail because it was not necessary to detain them. and, of those, around 11,000 (73%) were released after fewer than 28 days.

This shows that, in the vast majority of cases, the Home Secretary is detaining people unnecessarily and without legal or practical justification. This is also reflected in the drastic increase in compensation payments paid out by the Home Office to cases of unlawful detention. In the year ending March 2022, there were 572 claims of unlawful detention where the Secretary of State was found to have acted unlawfully, for which a total of £12.7 million was paid in compensation, an increase of £11.9 million from 2015.²⁴ As this briefing will go on to outline, the immigration detention estate is already associated with exceedingly high human and financial costs.

¹⁹ The Migration Observatory, *Immigration Detention in the UK*, (Oxford: University of Oxford, 2 November 2022), <<https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>> accessed 15 May 2023.

²⁰ Home Office, *National Statistics: How many people are detained or returned?*, 23 February 2023, <<https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-december-2022/how-many-people-are-detained-or-retained>> accessed 16 May 2023.

²¹ Home Office, *Irregular Migration to the UK, year ending December 2022*, (23 February 2023), <[https://www.gov.uk/government/statistics/irregular-migration-to-the-uk-year-ending-december-2022/irregular-migration-to-the-uk-year-ending-december-2022#:~:text=There%20were%2045%2C755%20people%20detected,has%20been%20collected%20\(8%2C631\)](https://www.gov.uk/government/statistics/irregular-migration-to-the-uk-year-ending-december-2022/irregular-migration-to-the-uk-year-ending-december-2022#:~:text=There%20were%2045%2C755%20people%20detected,has%20been%20collected%20(8%2C631))> accessed 15 May 2023.

²² Home Office, *National Statistics: How many people are detained or returned?*, 23 February 2023, <<https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-december-2022/how-many-people-are-detained-or-retained>> accessed 16 May 2023.

²³*ibid*; Home Office, *National Statistics: How many people are detained or returned?*, 23 February 2023, <<https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-december-2022/how-many-people-are-detained-or-retained>> accessed 16 May 2023.

²⁴ The Migration Observatory, *Immigration Detention in the UK*, Oxford: University of Oxford, 2 November 2023, <<https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>> accessed 15 May 2023.

Medical Harm Caused by the Use of Immigration Detention

There is extensive clinical evidence showing the harm immigration detention causes to people's physical and mental health.²⁵ As stated by the Royal College of Psychiatrists, Immigration Removal Centres (IRCs) are likely to precipitate a significant deterioration of mental health in most cases.²⁶ Their position statement on immigration detention asserts that detained people with pre-existing vulnerabilities such as mental health issues, survivors of torture, and other forms of cruel or inhumane treatment, including sexual violence and gender-based violence, are at particular risk of harm as a result of detention.²⁷

People in detention have described a range of factors contributing to this, including fear for their safety, criminalisation, experiences of physical and verbal abuse and in particular detention's indeterminate nature. All of these contribute to experiencing a loss of agency, entrapment, and feelings of hopelessness.²⁸

The British Medical Association (BMA) has stated:

“Various studies have identified the negative impact of immigration detention on mental health, and that the severity of this impact increases the longer detention continues. Depression, anxiety, and post-traumatic stress disorder (PTSD) are the most common mental health problems, and women, asylum seekers, and victims of torture are particularly vulnerable.”²⁹

As mentioned, those with pre-existing vulnerabilities are at particular risk of being harmed by detention.³⁰ People seeking asylum are known to have a higher prevalence of mental health disorders and trauma histories that make them particularly vulnerable to harm and deterioration because of detention.³¹

²⁵ Royal College Psychiatrists, *Detention of people with mental disorders in immigration removal centres (IRCs)*, April 2021, <<https://www.rcpsych.ac.uk/docs/default-source/improving-care/better-mh-policy/position-statements/position-statement-ps02-21---detention-of-people-with-mental-disorders-in-immigration-removal-centres---2021.pdf>> accessed 16 May 2023; Irina Verhulsdonk, Mona Shahab and Marc Molendijk, 'Prevalence of Psychiatric Disorders Among Refugees and Migrants in Immigration Detention: Systematic Review with Meta-analysis,' *BJPsych Open* 7(2021): 6; Mary Bosworth, 'The Mental Health Literature Survey Sub-Review,' *Review into the Welfare in Detention of Vulnerable Persons: A Report to the Home Office*, January 2016, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf> accessed 16 May 2023; M. von Werthern, K Robjant, Z Chui, R Schon, L Ottisova, C Mason and C Katona, 'The Impact of Immigration Detention on Mental Health: A Systematic Review,' *BMC Psychiatry*, 6 no. 18, December 2018, 382.

²⁶ *Ibid*, Royal College Psychiatrists, *Detention of people with mental disorders in immigration removal centres (IRCs)*, April 2021, <<https://www.rcpsych.ac.uk/docs/default-source/improving-care/better-mh-policy/position-statements/position-statement-ps02-21---detention-of-people-with-mental-disorders-in-immigration-removal-centres---2021.pdf>> accessed 16 May 2023.

²⁷ Royal College Psychiatrists [Position statement: The Detention of people with Mental Disorders in Immigration Detention](#) PS02/21, (April 2021) 18.

²⁸ See Annex I to Duncan Lewis Closing Submissions - Witness comments on indefinite detention, [DL0000260](#); and Annex 5 to Duncan Lewis Closing Submissions - Instances of racist language in disclosure, [DL0000264](#).

²⁹ British Medical Association, 'Locked up, locked out: health and human rights in immigration detention,' 2017, <<https://www.bma.org.uk/media/1862/bma-locked-up-locked-out-immigration-detention-report-2017.pdf>> accessed 16 May 2023.

³⁰ Royal College Psychiatrists, *Detention of people with mental disorders in immigration removal centres (IRCs)*, 18, April 2021, <<https://www.rcpsych.ac.uk/docs/default-source/improving-care/better-mh-policy/position-statements/position-statement-ps02-21---detention-of-people-with-mental-disorders-in-immigration-removal-centres---2021.pdf>> accessed 16 May 2023.

³¹ Royal College Psychiatrists, *Detention of people with mental disorders in immigration removal centres (IRCs)*, 18, April 2021, <<https://www.rcpsych.ac.uk/docs/default-source/improving-care/better-mh-policy/position-statements/position-statement-ps02-21---detention-of-people-with-mental-disorders-in-immigration-removal-centres---2021.pdf>> accessed 16 May 2023. Royal College Psychiatrists Position statement: The Detention of people with Mental Disorders in Immigration Detention PS02/21, (April 2021).

Additionally, it is worth noting that there are observed high levels of self-harm in UK immigration detention: a response to an request under the Freedom of Information Act (FOI) revealed that between July and December 2022 (inclusive), there were 120 incidents of self-harm across the detention estate, 92 of which required medical treatment (either on-site or off-site)³².

Voke, a survivor of trafficking and gender-based violence who attempted suicide in detention, told Women for Refugee Women: *“After I had been in detention for seven months, I couldn’t see the point of my life anymore...So I tried to kill myself. I just felt like my life had been taken away from me.”*³³

Whilst there are complex mental health needs amongst those in immigration detention, the effectiveness of mental health treatment that can be provided in this setting is limited. There is extensive evidence indicating that the healthcare in immigration removal settings is largely inadequate. There is no access to specialist services for complex mental health conditions. Ultimately, it is clear that detention centres are not therapeutic environments and are not conducive to encourage disclosure of symptoms.³⁴

Given the known harm that immigration detention has on health, and the limitations of successfully treating mental illness in detention, it has long been Home Office policy not to normally detain particularly vulnerable people, including those with pre-existing mental illnesses and survivors of torture. Yet in practice, there is longstanding evidence that detention safeguards for vulnerable people are systematically flawed and operationally ineffective.

Once in detention, Rule 34 and Rule 35 of the Detention Centre Rules 2001, and the Adults at Risk Policy, are intended to identify and bring medically vulnerable people in detention to the attention of the Home Office, so that their detention can be reviewed. These safeguards are inconsistently applied, frequently delayed and have been beset by long standing criticisms that they systematically fail to protect people who are vulnerable to harm in detention.³⁵ Such defects have consistently been highlighted by statutory and parliamentary bodies, independent investigations and reviews including by the Prison and Probation Ombudsman,

³² Sources: FOI 72966 (July-October 2022) and FOI 75319 (November-December 2022).

³³ Women for Refugee Women (2017) *We are still here: The continued detention of women seeking asylum in Yarl’s Wood*, <https://www.refugeewomen.co.uk/wp-content/uploads/2019/01/women-for-refugee-women-reports-we-are-still-here.pdf>, accessed 17 May 2023.

³⁴ There is widespread evidence of the culture of disbelief that exists in immigration detention. See BMA (2017) ‘Locked up, locked out: health and human rights in immigration detention’ 56 for the clinical impact of a culture of disbelief. The lack of trust is a particular concern for people who have had adverse experiences of authority figures, have been tortured, or experienced trauma, as is the case for many detained people in UK IRCs, see Faculty of Forensic & Legal Medicine (May 2019) Quality Standards for healthcare professionals working with victims of torture in detention 5-6.

³⁵ David Neal, Independent Chief Inspector of Borders and Immigration, ‘Third Annual Inspection of ‘Adults at risk in immigration detention: June - September 2022,’ January 2023, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128198/Third_annual_inspection_of_Adults_at_Risk_Immigration_Detention_June_to_September_2022.pdf> accessed 16 May 2023.

Stephen Shaw³⁶, His Majesty's Chief Inspector of Prisons³⁷, the Independent Monitoring Board³⁸, the Joint Committee on Human Rights³⁹, the Home Affairs Select Committee⁴⁰ and the Independent Chief Inspector of Borders and Immigration⁴¹. These dysfunctional safeguards have caused and contributed to mistreatment and harm of people in immigration detention.⁴²

We have serious concerns that an expansion of the detention estate risks increasing the number of deaths in immigration detention. Previous deaths in immigration detention have revealed the cruel and unnecessary detention of vulnerable individuals, poor treatment and conditions, and a lack of access to adequate health care, as well as raising questions about the UK's compliance with Articles 2 and 3 of the European Convention on Human Rights.

There have been inquests which have concluded that lack of care and neglect by detention, healthcare and Home Office staff contributed to deaths in IRCs. Many deaths have exposed failures of safeguarding practices, such as Rule 35, which could have operated to prevent the unnecessary detention of vulnerable people suffering from mental or physical ill health. There have also been failures to assess and care for someone who then goes on to kill another detained person. Self-inflicted death and self-harm risk is very prevalent amongst detained people. Evidence at inquests repeatedly reveals systemic failures and failures to implement suicide prevention policies. Indifference and lack of humanity also underlines the standard of care provided in immigration detention. There have been examples of staff not taking suicidal thoughts seriously and/or believing that someone is malingering or manipulating to get attention. According to INQUEST's casework and monitoring, there have been six deaths of people in immigration detention in the last five years (since 2018). Two (33%) of those deaths were self-inflicted. Most recently, on March 26 2023, a man named Frank Ospina died while detained at Colnbrook IRC.⁴³

³⁶ Stephen Shaw, 'Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons: A follow-up report to the Home Office,' July 2018, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728376/Shaw_report_2018_Final_web_accessible.pdf> accessed 16 May 2023.

³⁷ For example, see HM Inspectorate of Prisons, 'Report on an unannounced inspection of Brook House Immigration Removal Centre by HM Chief Inspector of Prisons: 30 May 2022 - 16 June 2022,' 23 September 2022, <<https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2022/09/Brook-House-web-2022.pdf>> accessed 16 May 2023.

³⁸ For example, see Independent Monitoring Board, 'Annual Report of the Independent Monitoring Board at Brook House IRC: For reporting year 1 January - 31 December 2020,' May 2021, <<https://s3-eu-west-2.amazonaws.com/jotwpublic-prod-storage-1cxo1dnrmkg14/uploads/sites/13/2022/10/Brook-House-AR-2020-for-circulation.pdf>> accessed 16 May 2023.

³⁹ Bhatt Murphy, 'Written evidence to the Joint Committee on Human Rights Inquiry into immigration detention: Bhatt Murphy solicitors and Garden Court Chambers,' 12 October 2018, <<https://bhattmurphy.co.uk/files/documents/FINAL%20Submissions%20to%20JCHR%20Bhatt%20Murphy%20and%20Garden%20Court%207.9.18.pdf>> accessed 16 May 2023.

⁴⁰ House of Commons: Home Affairs Committee, 'Immigration Detention: Fourteenth Report of Session 2017-19,' 12 March 2019, <<https://publications.parliament.uk/pa/cm201719/cmselect/cmhaaff/913/913.pdf>> accessed 16 May 2023.

⁴¹ For example, see David Neal, Independent Chief Inspector of Borders and Immigration, 'Third Annual Inspection of 'Adults at risk in immigration detention: June - September 2022,' January 2023, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128198/Third_annual_inspection_of_Adults_at_Risk_Immigration_Detention_June_to_September_2022.pdf> accessed 16 May 2023.

⁴² This has been highlighted by the evidence to the Brook House Inquiry. Evidence from the clinical expert to the Brook House Inquiry indicated that the entire system was "dysfunctional". There was a described "deprivation of safeguards" which contributed to the ill-treatment and abuse at Brook House in 2017 (see Jake Hard, 'Brook House Inquiry,' 28 March 2022, <<https://s3-eu-west-2.amazonaws.com/brookhouse-prod-storage-15trcu6wv3q1/uploads/2022/03/bh280322.pdf>> 178/20-25 and 179/7-9, accessed 16 May 2023).

⁴³ According to INQUEST's casework and monitoring, there have been 40 deaths in Immigration Removal Centres and Immigration Detention Centres since 2000 to date. 17 (43%) of these deaths were self-inflicted deaths. 2 (5%) of the deaths occurred as a result of

Abuse, Neglect and Mismanagement

Adding to the inherent harm caused by the use of immigration detention, the UK's immigration detention system has been plagued by failures of oversight and mismanagement. This mismanagement has led to repeated incidents of systemic mistreatment, abuse and neglect, as exemplified by:

- The Brook House IRC Inquiry: A public inquiry into the mistreatment of individuals who were detained at Brook House IRC, as exposed by an undercover investigation by BBC Panorama in 2017, was instituted in 2020. The Inquiry has heard extensive evidence revealing:
 - “appalling” abuse of people detained there
 - continuing systemic and institutional failures by both the government and its private contractors (G4S)
 - assault
 - high levels of misuse of force and bullying by staff
 - inappropriate use of segregation and other management tools
 - prisonisation and criminalisation
 - a culture of disrespect, dehumanisation and institutional racism
 - a failure of detention safeguards
 - inadequate mental health care⁴⁴

The public inquiry is due to report in summer 2023.⁴⁵

- Article 3 ECHR Breaches and Deaths in Detention: UK courts have made the rare finding of a breach of Article 3 ECHR – protection from inhuman and degrading treatment – on eight occasions in relation to immigration detention.⁴⁶
- Charter Flight Dublin III Removals: In 2020, the Independent Monitoring Board issued an unprecedented notice to the Immigration Minister under section 6 of the Detention Centre Rules 2001 as well as a Report in May 2021⁴⁷ that the conditions created by the policy of intensified removals to EU countries prior to Brexit “*amounted to inhumane treatment of the whole detainee population*”. The report documented high levels of mental illness, distress, self-harm, suicidal ideation, with a failure of detention safeguards and increased use of segregation and force.
- Napier Barracks: In June 2021, the High Court ruled that people were unlawfully detained at this former military barracks which was being used as asylum accommodation. The ruling

homicide and 1 (2.5%) occurred as a result of restraint. 2017 saw the highest number of deaths, with 6 people dying in IRCs or IDCs. See INQUEST, Deaths of immigration detainees, 23 February 2023, <<https://www.inquest.org.uk/deaths-of-immigration-detainees>> accessed 16 May 2023. <https://www.inquest.org.uk/deaths-of-immigration-detainees>

⁴⁴ For a detailed summary, please see the All-Party Parliamentary Group on Immigration Detention's: Medical Justice, 'The Brook House Inquiry: Briefing on Key Issues,' December 2022, <https://medicaljustice.org.uk/wp-content/uploads/2023/01/2022_12BrookHouseInquiryBriefingKeyIssues_Final.pdf> accessed 17 May 2023.

⁴⁵ Brook House Inquiry, *Who We Are*, <<https://brookhouseinquiry.org.uk/>> accessed 16 May 2023.

⁴⁶ For further details, see: Medical Justice, 'Harms in Detention: inhumane and degrading treatment' <https://medicaljustice.org.uk/healthcare-in-detention/inhuman-degrading-treatment/> accessed 17 May 2023.

⁴⁷ Independent Monitoring Boards, 'Annual Report of the Independent Monitoring Board at Brook House IRC: For reporting year 1 January - 31 December 2020,' May 2021, <<https://s3-eu-west-2.amazonaws.com/brookhouse-prod-storage-15trcu6wv3q1/uploads/2022/04/IMB000202-2020-IMB-Annual-Report.pdf>> accessed 16 May 2023.

drew attention to overcrowding, unsanitary living conditions, fire risks, a lack of ventilation and dilapidated structures at the site.

- **Manston Short-Term Holding Facility:** Manston is a processing centre with a capacity of 1,600 people. Under the STHF Rules 2018, it was only permitted to detain people at the site for a maximum of 24 hours. From September to November 2022, the Home Secretary unlawfully detained approximately 4,000 people at the facility at one time, including families with children and pregnant women, for periods of more than a month, in cramped, unsanitary and dangerous conditions.⁴⁸ This was only remedied with the temporary emptying of the centre in December 2022, following the threat of legal action.

Responses to FOI requests for the use of force forms from October 2022 at Manston revealed concerning incidents of force.⁴⁹

Manston has also been associated with outbreaks of infectious diseases, including the worst UK diphtheria outbreak in decades.⁵⁰ Disclosures in response to Freedom of Information requests revealed escalating concerns about the health conditions at Manston, between September and November 2022, and concerns about failures in public health measures.⁵¹ One public health director said he was “shocked” by the conditions there.⁵² In November 2022, an Iraqi man, Hussei Hasseb Ahmed, died after being held at the site. The Home Office confirmed that Mr. Ahmed had tested for diphtheria⁵³.

600 of the 1,600 beds at Manston are now planned to be part of a new residential holding room, under the new STHF (Amendment) Rules 2022. The new STHF (Amendment) Rules create a new category of detention facility, called a Residential Holding Room (RHR), where detained people can be held for up to 96 hours or longer in “exceptional circumstances.”⁵⁴ The introduction of RHRs permits the Home Secretary to detain a significantly greater number of people for longer than the typical 24-hour period without establishing the safeguards and facilities required at a Residential Short Term Holding Facility (STHF). Even with improvements, Manston will fall short of the modest requirements associated with residential STHFs.

⁴⁸ Amelia Gentleman, “‘You walked in and your heart sank’: the shocking inside story of Manston detention centre,” *the Guardian*, 25 March 2023, <<https://www.theguardian.com/uk-news/2023/mar/25/inside-story-of-manston-detention-centre>> accessed 16 May 2023.

⁴⁹ Lizzie Dearden, Aaron Walawalkar and Eleanor Rose, ‘Revealed: Shocking accounts of migrants handcuffed and self-harming in UK’s chaotic asylum system’, *The Independent*, 4 February 2023, <<https://www.independent.co.uk/news/uk/home-news/manston-migrants-overcrowding-detention-centre-b2274758.html>> accessed 16 May 2023.

⁵⁰ Diane Taylor, ‘Manston health concerns raised with Home Office weeks before outbreak,’ *the Guardian*, 6 February 2023, <<https://www.theguardian.com/uk-news/2023/feb/06/manston-health-concerns-home-diphtheria-outbreak>> accessed 16 May 2023.

⁵¹ *Ibid*, Diane Taylor, ‘Manston health concerns raised with Home Office weeks before outbreak,’ *the Guardian*, 6 February 2023, <<https://www.theguardian.com/uk-news/2023/feb/06/manston-health-concerns-home-diphtheria-outbreak>> accessed 16 May 2023.

⁵² *Ibid*, Diane Taylor, ‘Manston health concerns raised with Home Office weeks before outbreak,’ *the Guardian*, 6 February 2023, <<https://www.theguardian.com/uk-news/2023/feb/06/manston-health-concerns-home-diphtheria-outbreak>> accessed 16 May 2023.

⁵³ Diane Taylor, ‘Man who died after being held at Manston asylum centre named’, *the Guardian*, 3 December 2022, <<https://www.theguardian.com/uk-news/2022/dec/03/man-who-died-after-being-held-at-manston-asylum-centre-named>> accessed 19 May 2023.

⁵⁴ The Short-term Holding Facility (Amendment) Rules, 2022, Rule 6A(1).

- Harmondsworth IRC: In November 2022, prolonged power cuts left some people detained at Harmondsworth IRC without lighting, heating, running water or access to medication for several days.⁵⁵ This led to the evacuation of the facility. A request⁵⁶ under the Freedom of Information Act later revealed that the power cuts were caused by “a lack of preventative routine maintenance” over a period of 10 years.⁵⁷

⁵⁵ See Bail for Immigration Detainees, *Report on Power Cut at Harmondsworth IRC*, November 2022, <https://hubble-live-assets.s3.amazonaws.com/biduk/file_asset/file/836/221201_Harmondsworth_power_cut_report.pdf> accessed 19 May 2023.

⁵⁶ FOI Reference 7403

⁵⁷ Diane Taylor, ‘Maintenance failures sparked Heathrow detention centre disturbances, FOI reveals,’ *the Guardian*, 27 February 2023, <<https://www.theguardian.com/uk-news/2023/feb/27/maintenance-failures-sparked-heathrow-detention-centre-disturbances-foi-reveals>> accessed 16 May 2023.

Access to Support for Survivors of Trafficking and Modern Slavery

Current guidance requires that after a person’s “irregular” arrival in the UK, any evidence that they have been trafficked should be recognised by Home Office officials and trigger the National Referral Mechanism (NRM). This should ensure that a person is not harmed by the use of detention. It also ensures that they receive the practical and psychological support they require and that the UK has committed to provide in accordance with its Modern Slavery laws, the provisions of the European Convention on Action against Trafficking in Human Beings (ECAT), and Article 4 of the ECHR (‘Prohibition on Slavery and Forced Labour’).

In 2022, 90% of all people referred to the NRM were later confirmed by Home Office officials as victims of trafficking or Modern Slavery.⁵⁸ However, over a 21-month period, 938 suspected victims were only referred to the NRM after being released from detention⁵⁹, indicating a failure of screening and detention safeguards leading to the detention of victims, who were then unable to access crucial support. This was recognised in the recent annual inspection of the Adults at Risk policy by the Independent Chief Inspector of Borders and Immigration.⁶⁰

Extensive evidence also shows that detaining people who have been trafficked results in:

- Damage to mental health, re-traumatisation, and delayed recovery⁶¹
- Increased risk of re-trafficking or further exploitation⁶²
- Failure to identify and support victims and increased distrust of authorities⁶³

⁵⁸ Home Office, *Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, Quarter 3 2022 - July to September*, 3 November 2022,

<https://www.gov.uk/government/statistics/national-referral-mechanism-and-duty-to-notify-statistics-uk-july-to-september-2022/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-3-2022-july-to-september#:~:text=In%20quarter%203%202022%2C%20the%20referrals%20since%20the%20NRM%20began> accessed 16 May 2023.

⁵⁹ Gemma Lousley and Maya Esslemont, *After Exploitation, ‘Survivors Behind Bars: the Detention of Modern Slavery Survivors Under Immigration Powers (2019-2020)’*, 4 February 2021,

<https://afterexploitation.files.wordpress.com/2021/02/survivors-behind-bars-after-exploitation-2021.pdf> accessed 16 May 2023.

⁶⁰ David Neal, Independent Chief Inspector of Borders and Immigration, ‘Third Annual Inspection of ‘Adults at risk in immigration detention: June - September 2022,’ January 2023,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128198/Third_annual_inspection_of_Adults_at_Risk_Immigration_Detention_June_to_September_2022.pdf accessed 16 May 2023.

⁶¹ Cornelius Katona, ‘the Impact of Immigration Detention on Mental Health: a Systematic Review,’ *BMC Psychiatry*, 6 December 2018, <https://www.helenbamber.org/resources/research/impact-immigration-detention-mental-health-systematic-review> accessed 16 May 2023.

⁶² Stephen Shaw, ‘Review into the Welfare in Detention of Vulnerable Persons: A report to the Home Office by Stephen Shaw,’ January 2016,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf accessed 16 May 2023.

⁶³ Bail for Immigration Detainees, *Detaining Victims: Human Trafficking and the UK Immigration System*, 30 July 2019,

<https://www.biduk.org/articles/493-detaining-victims-human-trafficking-and-the-uk-immigration-system> accessed 18 May 2023.

Access to Justice

Access to legal support and justice is highly restricted for people in detention.

Legal services are provided to people in detention under the Detained Duty Advice Scheme (DDAS), through exclusive contractual arrangements with legal services providers who are assigned to a rota to provide advice sessions to detainees who pre-book appointments. A legal service provider on the DDAS provides 30 minutes of free legal advice after which they should take on a person's case if it meets the means and merits test. The DDAS is the primary way in which people detained in IRCs are able to access legal advice and assistance.

People in detention are made uniquely vulnerable because they are deprived of their liberty, isolated from their support networks, face immediate risks of being removed from the UK and are in practice unable to access most other sources of legal advice and assistance (at least without significant difficulties). If a detainee is unable to access the DDAS or is given inadequate legal advice and assistance, such errors are almost impossible for individuals to correct before their removal from the UK.

Evidence gathered by Detention Action between 2018 and 2021 showed that the DDAS was operating with persistent fundamental defects. This caused real harm to people in detention, who were unable to obtain adequate legal advice and assistance. The problems included:

- People in detention not being told at the end of their initial 30-minute session whether their legal case has been taken on, and therefore not knowing whether they have legal representatives able and willing to handle their legal cases
- People in detention being turned away due to claims by providers that they lack capacity or because their case is too complex for the provider to handle
- People in detention not being given written advice about the legal issues arising from their facts and circumstances and what action they should take
- Providers lacking knowledge of law and practice on key issues, including detention, removal and deportation, bail, trafficking, judicial review and the scope of legal aid funding

In December 2022, a survey by BID of people in detention showed that only 43% had legal representation.⁶⁴ Detention Action regularly sees legal support denied to people whose cases appear to have merit, as well as lengthy delays in legal appointments or advice, even when removal is imminent.

For people seeking deportation appeals or otherwise in possession of a substantive immigration case, the DDAS and legal surgeries do not provide the necessary support.⁶⁵ In

⁶⁴ Bail for Immigration Detainees, 'Autumn Legal Advice Survey,' December 2022, <https://hubble-live-assets.s3.amazonaws.com/biduk/file_asset/file/716/221205_LAS.pdf> accessed 16 May 2023.

⁶⁵ Anna Lindley, 'The Detained Duty Advice Scheme: Research Summary' 19 October 2020, <<https://eprints.soas.ac.uk/36012/1/2020%20Future%20of%20Legal%20Aid%20Submission%20on%20immigration%20detention.pdf>> accessed 16 May 2023.

situations where individuals seek more extensive legal support, the cost of such services can be prohibitively high. In 2013, immigration law was broadly removed from the scope of legal aid by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.⁶⁶ In order to access legal aid, individuals have to apply for Exceptional Case Funding (ECF). ECF is available where refusal of legal aid would risk breaching an individual's European Convention rights, as protected by the Human Rights Act 1998.⁶⁷

ECF, like the DDAS, is a mechanism that is riddled with structural problems. Individuals are often expected to apply for ECF without the help of a solicitor, but the application process is complex and onerous. Solicitors are often reluctant to support such applications, as they do not receive remuneration when claims are unsuccessful. ECF, however, is “heavily dependent on the participation of [these] providers, given the difficulties clearly faced by lay applicants and the absolute need of assistance for those with disabilities.”⁶⁸ ECF has no official procedure for expediting urgent cases and the applicant is expected to provide extensive evidence simply to prove basic claims.⁶⁹ The cumulative effect makes ECF, in the words of one ruling judge, “inherently defective and therefore unfair.”⁷⁰ Although changes have been made following early legal action regarding the faults in the ECF scheme, there are still significant barriers to applying for ECF. The result is that despite having a high grant rate, the number of ECF applications is far below projections made prior to the fund’s introduction.⁷¹

In the cases where ECF is granted, the applicant is personally responsible for locating a legal aid provider with capacity to support their case. In some instances, it takes people upwards of six months to locate a provider. Where they do locate a provider, said provider must complete and submit a subsequent form so that the authorities can confirm that ECF has been granted before legal work can begin. This further delays access to legal advice and can result in subsequent delays of a person’s immigration case.

⁶⁶ Bail for Immigration Detainees, *BID's Exceptional Case Funding Project shortlisted for Pro-Bono Awards 2019*, 7 November 2019, <<https://www.biduk.org/articles/572-bid-s-exceptional-case-funding-project-shortlisted-for-pro-bono-awards-2019>> accessed 16 May 2023.

⁶⁷ Ollie Persey, *Exceptional Case Funding, Opinion and Analysis*, Public Law Project, November 2020, <<https://www.lag.org.uk/?id=209582&cid=209582>> accessed 16 May 2023.

⁶⁸ Katy Watts, ‘PLP Research Briefing Paper: Exceptional Case Funding,’ Public Law Project, May 2018, <<https://publiclawproject.org.uk/content/uploads/2018/05/Exceptional-Case-Funding-Briefing.pdf>> accessed 16 May 2023.

⁶⁹ *Ibid*, Katy Watts, ‘PLP Research Briefing Paper: Exceptional Case Funding,’ Public Law Project, May 2018, <<https://publiclawproject.org.uk/content/uploads/2018/05/Exceptional-Case-Funding-Briefing.pdf>> accessed 16 May 2023.

⁷⁰ *Ibid*, Katy Watts, ‘PLP Research Briefing Paper: Exceptional Case Funding,’ Public Law Project, May 2018, <<https://publiclawproject.org.uk/content/uploads/2018/05/Exceptional-Case-Funding-Briefing.pdf>> accessed 16 May 2023.

⁷¹ *Ibid*, Katy Watts, ‘PLP Research Briefing Paper: Exceptional Case Funding,’ Public Law Project, May 2018, <<https://publiclawproject.org.uk/content/uploads/2018/05/Exceptional-Case-Funding-Briefing.pdf>> accessed 16 May 2023.

Impact of the Illegal Migration Bill

Among its many regressive proposals, the Home Secretary's Illegal Migration Bill would allow a person to be detained indefinitely without any of the protections that arise from the UK's case law that act to regulate excessively long or unnecessary detention (e.g. where removal cannot be expedited within a reasonable time). This will include, but is not limited to, people seeking asylum. The Bill therefore allows for an exponential increase in the number of people detained and removes or curtails essential legal safeguards put in place to protect the fundamental right to liberty and to prevent the damage caused by prolonged and indefinite detention.

It would transform immigration detention in UK law, resulting in unprecedented, draconian and sweeping restrictions on liberty, with the apparent intention of punishing and deterring people from seeking asylum in the UK, irrespective of their reasons for doing so and their individual circumstances.

Undermining the Rule of Law

The Illegal Migration Bill critically undermines the functionality of the rule of law in the United Kingdom. The Bill gives the Home Secretary unprecedented, sole power to determine the lawfulness of detention. It massively expands the discretionary powers of the Home Secretary, even in cases where the SSHD's action would contravene court orders made under judicial review procedures.⁷²

As outlined by a series of organisations, among them the United Nations High Commissioner for Refugees, the Illegal Migration Bill abrogates the UK's responsibilities under customary international Law (the Universal Declaration of Human Rights) and international treaties, including the 1951 Refugee Convention and the UN Convention on the Rights of the Child. The Bill also violates the European Convention on Human Rights. It breaches Article 5(1)(f) of the European Convention on Human Rights. Clause 11 of the Bill directly contradicts the arguments made by the UK Government in the European Court of Human Rights (ECtHR) in the cases of *J.N v UK* (Application no. 37289/12) and *Arben Draga* (Application no. 33341/13).

In *J.N.* the ECtHR found that:

‘in the United Kingdom, a person in immigration detention may at any time bring an application for judicial review in order to challenge the “lawfulness” and Article 5 § 1(f) compliance of his detention.’ (para 97)

⁷²Immigration and Legal Practitioners' Association, 'Illegal Migration Bill: House of Commons, Second Reading,' March 2023, <<https://ilpa.org.uk/wp-content/uploads/2023/03/ILPA-HC-Second-Reading-Briefing-Illegal-Migration-Bill.pdf>> accessed 16 May 2023.

‘The Court therefore agrees with the Government that in principle the system in the United Kingdom should not give rise to any increased risk of arbitrariness as it permits the detainee to challenge the lawfulness and Convention compliance of his ongoing detention at any time. In considering any such challenge, the domestic courts are required to consider the reasonableness of each individual period of detention based entirely on the particular circumstances of that case, applying a test similar to – indeed, modelled on – that required by Article 5 § 1(f) of the Convention in the context of “arbitrariness”.’ (para 98 – all emphasis added)

Clause 11 removes the right of a person to challenge the lawfulness of their detention before a court. There will be no right to challenge detention based on irrationality or where it is argued a person will not abscond if they are released from detention. This barrier to accessing the law is therefore a breach of Article 5 of the European Convention.

Further, Clause 11 reverses the *Hardial Singh* principles, which is functionally the most important limitation on the UK Home Office’s powers of detention. The ECtHR had previously noted in the case of *Draga* (referred to above) that not only did judicial review permit ‘the detainee to challenge the lawfulness and Convention compliance of his detention at any time’, but also that:

‘the domestic courts were required to consider the reasonableness of each individual period of detention based entirely on the particular circumstances of that case, applying a test similar to - indeed, modelled on - that required by Article 5 § 1 (f) in the context of “arbitrariness” (the Hardial Singh test) [...]’ (Para 37 – emphasis added)

However, under Clause 11, the Home Secretary, who has the power to detain a person for the purpose of removal, also gains the sole power to decide if she is acting lawfully, while also disregarding the *Hardial Singh* principles to allow detention even where removal will not happen within a reasonable period of time. It will give power to the Home Secretary to detain for however long she deems ‘reasonably necessary’, essentially giving her the power to act unreasonably and irrationally. This breaches Article 5 1(f) of the ECHR, turns its back on the arguments, indeed the assurances the Government made to the ECtHR, reverses the findings of the ECtHR in the cases of *J.N.* and *Draga*.

The Bill removes the ability for people held under immigration powers to apply for bail through the First-tier Tribunal (FtT) for the first 28 days of detention. In removing the possibility of judicial reviews challenging detention, the changes sought in Clause 12 of the Bill directly breach Article 5(4) ECHR. The latter stipulates that everyone who is deprived of their liberty shall be entitled to take proceedings to a court by which the lawfulness of their detention shall be decided and their release ordered if detention is not lawful.

By disallowing of bail applications and judicial reviews during the first 28 days of detention, the Government is attempting to dismantle critical safeguards. The removal of such safeguards is particularly concerning considering that in many cases, removal is not possible and absconding is extremely unlikely. In fact, Clause 12 allows for decisions to detain to be founded upon an error that also cannot be challenged by way of judicial review. Detention in such circumstances would be punitive, coercive and unnecessary and as such amount to a violation of Article 5(1)(f).

There can be little doubt that the Government will face challenges before the European Court of Human Rights based upon its breaches of Article 5(1)(f). We anticipate that the Court will in all likelihood rule against the Bill's provisions if given the opportunity.

More Frequent and Prolonged Use of Immigration Detention

The Illegal Migration Bill expands the number of people who would be liable to detention, and thus, potentially indefinite detention; under the new legislation, all people entering “irregularly” will be liable to detention with no recourse to immigration bail or judicial review for 28 days. According to the Refugee Council’s projections, under the Bill more than 190,000 people could be detained or forced into destitution in the first 3 years of the Bill’s passing.⁷³ Significantly, detention can be used almost entirely at the discretion of the Home Office.

Under the Bill, the Home Secretary is granted new powers to indefinitely detain people at greater risk of harm, including families, children who are alone, pregnant people and survivors of torture, trafficking and Modern Slavery. It does so whilst also curtailing judicial scrutiny and removing effective remedies to challenge unlawful or unjustified detention. At the same time, a lack of returns agreements with other countries makes removals difficult. As a consequence, many people who would otherwise be released will be kept in detention indefinitely by virtue of the intractable nature of obstacles to their removal.

Under these proposals, any decision to release a person from detention before the 28 day period when a bail application cannot be made would remain entirely at the discretion of the Home Secretary and be withheld from independent or public scrutiny. As well as constituting an excessive degree of executive power free from external scrutiny, this could drastically increase the numbers of people being detained at any one time and is likely to increase the percentage of people detained for 28 days or more from 27% to almost 100%.⁷⁴

The Bill would introduce a duty on the Home Secretary to remove from the UK any person arriving here “irregularly”, and creates a discretionary power to remove children who are alone.⁷⁵ Currently, those who arrive irregularly and claim asylum cannot be removed while their claims are pending. Children who are alone who are refused asylum are normally granted limited leave until they are aged 17.5, and trafficking survivors who have been referred to the NRM are protected from removal while their trafficking claims are pending. The Bill would instead place a duty on the Home Secretary to remove adults, and give her a power to remove children, regardless of these factors. However, in practice it will only be possible to effect such removal if a person arriving irregularly can be safely removed to their country of origin or a third country.

⁷³ Refugee Council, *Nearly 200,00 people could be locked up or forced into destitution, new report on the asylum bill reveals*, 22 March 2023,

<<https://www.refugeecouncil.org.uk/latest/news/nearly-200000-people-could-be-locked-up-or-forced-into-destitution-new-report-on-asylum-bill-reveals/>>, accessed 16 May 2023.

⁷⁴ Ibid, Refugee Council, *Nearly 200,00 people could be locked up or forced into destitution, new report on the asylum bill reveals*, 22 March 2023,

<<https://www.refugeecouncil.org.uk/latest/news/nearly-200000-people-could-be-locked-up-or-forced-into-destitution-new-report-on-asylum-bill-reveals/>>, accessed 16 May 2023.

⁷⁵ House of Commons, “Illegal Migration Bill”, Clause 3(2), 7 March 2023

<<https://bills.parliament.uk/publications/50885/documents/3348>> accessed 16 May 2023.

In many cases, removing a person seeking asylum to their country of origin without assessing their claim would place them at serious risk of persecution, torture or death. Doing so would fundamentally violate the UK's commitment to the 1951 Refugee Convention. Removal to a third country requires a formal agreement with that third country and the Home Secretary has failed to establish such an agreement with any country except Rwanda. Even the validity of this singular agreement is legally contentious: the lawfulness of the UK-Rwanda agreement is currently being challenged in the courts and there remain serious doubts about the ability of the Rwandan government to support, safely accommodate and properly process the asylum applications of, potentially, tens of thousands of people per year. The Home Secretary made attempts to strike similar removal agreements with other governments, including Ghana and Albania, but these were bluntly rejected (the current returns agreement with Albania applies only to Albanian citizens). Lastly, returning people seeking asylum to an EU country through which they have travelled would require explicit returns agreements with those countries; a prospect that has been roundly rejected by EU countries.

Under this Bill and in the absence of functioning removal agreements, detention is likely to extend far beyond the 28 days allowed by the Bill, without effective judicial oversight. This potentially drastically prolonged and indefinite detention will inevitably cause more serious harm to the physical and mental health of people detained, including people at additional risk of harm such as children, pregnant people and survivors of torture and trafficking.

Increased Risk of Abuse, Neglect and Harm to People at Additional Risk

The Illegal Migration Bill is likely to result in vastly larger numbers of people, including people seeking asylum, children, pregnant women, and survivors of torture and trafficking, being detained, for longer periods of time, with significantly fewer safeguards and protections. There is serious concern that more people, including survivors of torture, trafficking and other forms of ill-treatment, will be subjected to the devastating, and known, harms of detention, outlined above.

Currently, people detained have the right to apply to the First-tier Tribunal for release on Immigration Bail or for a judicial review of the legality of their detention. As noted above, the Illegal Migration Bill would prevent people from applying for bail for the first 28 days of their detention, while also allowing detention of people where the Secretary of State has acted in error or where removal is not possible. The serious risk is that people will be detained in circumstances that current case law has identified to be unlawful. This, in turn, would expose large numbers of people at additional risk of harm in detention. The Bill will shut many survivors of trafficking or modern slavery out of the National Referral Mechanism and deny their rights under Article 12 of the European Convention Against Torture⁷⁶, including essential practical, legal and psychological support.

Moreover, given the longstanding evidence of systemic failure of key safeguards, any expansion of the detention estate will intensify the high risk of repeating the mistreatment, abuse and inhumane treatment that have been uncovered by the evidence to the Brook House Inquiry and identified by the IMB in 2020.

⁷⁶ Secretary of State for Foreign and Commonwealth Affairs, 'Council of Europe Convention on Action Against Trafficking in Human Beings', 16 May 2005, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/236093/8414.pdf> accessed 16 May 2023.

Detention of Pregnant Women and Children

The detention of pregnant women and children was considered so harmful that strict time limits were introduced. The Bill will remove these limits. It is unfathomable that they are being scrapped. Additional briefings provided by Medical Justice will elaborate on the particular impacts the Bill will have on the use of force.

Pregnant Women

The Bill will remove the current 72 hour time limit (extendable up to 7 days with ministerial authorisation) on the detention of pregnant women, meaning that they can be detained indefinitely. A key effect of the 72-hour time limit has also been to significantly reduce the number of pregnant women detained: in 2014, before the time limit was introduced, 99 pregnant women were detained - but by 2021 this number had reduced to just seven. The consequence of removing the vital protection of the time limit, therefore, is likely to be a sharp increase in the number of pregnant women detained.

The danger of detention for pregnant women is particularly acute, increasing the likelihood of stress, which can impact their unborn baby's health, and interrupting their access to maternity care.⁷⁷ Prior to the introduction of the time limit in 2016, there was evidence that the healthcare pregnant women received in immigration detention was inadequate, falling short of NHS equivalence and the National Institute for Health and Care Excellence (NICE) standards.

The detention of pregnant women was extensively criticised by the medical community and independent reviews, including the Royal College of Midwives⁷⁸, the Royal College of Obstetricians and Gynaecologists⁷⁹, and Stephen Shaw. In his first major review of immigration detention, commissioned by the Government and published in 2016, Shaw stated: *“That detention has an incontrovertibly deleterious effect on the health of pregnant women and their unborn children ... I take to be a statement of the obvious.”*⁸⁰ Shaw's review recommended an absolute exclusion on the detention of pregnant women.

The Royal College of Midwives' position statement sets out that *“even a 72 hour detention has an adverse effect on the welfare of a pregnant woman”* because of increased stress it causes which can in turn lead to poor neonatal outcomes, the interference with ongoing antenatal care to the detriment of the health of the woman and her unborn baby, and the fact

⁷⁷ Medical Justice, 'Expecting Change: The case for ending the detention of pregnant women,' 2013, <https://medicaljustice.org.uk/wp-content/uploads/2022/02/2013_Expecting-Change_Final.pdf> accessed 16 May 2023.

⁷⁸ Royal College of Midwives, 'Position Statement Detention of Pregnant Women,' October 2017, <<https://www.rcm.org.uk/media/2292/detention-of-pregnant-women.pdf>> accessed 16 May 2023..

⁷⁹ Tony Falconer, Medical Justice, 'Expecting Change: The case for ending the detention of pregnant women,' 2013, 5, <https://medicaljustice.org.uk/wp-content/uploads/2022/02/2013_Expecting-Change_Final.pdf> accessed 16 May 2023.

⁸⁰ Stephen Shaw, 'Review into the Welfare in Detention of Vulnerable Persons: A Report to the Home Office', January 2016, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf> accessed 16 May 2023. ;

that NICE guidelines on antenatal care for women with complex needs are not implemented.⁸¹

Announcing the time limit in 2016, the Government stated: “[We] are clear that pregnant women should be detained only in exceptional circumstances ... This new safeguard will ensure that detention for pregnant women will be used as a last resort and for very short periods”.⁸² Just a few years later, however, they are now proposing to remove this crucial safeguard and revert to the harms of the pre-2016 situation, with pregnant women set to be detained indefinitely and on a routine basis.

Children

The Bill will remove the current time limits on the detention of children and families (72 hours, extendable up to 7 days with Ministerial authorisation) and unaccompanied children (24 hours).

There is clear evidence that detention of children causes significant harm to their health and wellbeing.⁸³ A 2009 briefing paper by the Royal College of GPs, Royal College of Psychiatrists, Royal College of Paediatrics and Child Health, and the Faculty of Public Health, argued that the detention of children “is unacceptable and should cease without delay”.⁸⁴ It cited “evidence of harm, especially to psychological wellbeing as a result of the processes and conditions of detention. Reported child mental health difficulties include emotional and psychological regression, post traumatic stress disorder (PTSD), clinical depression and suicidal behaviour”⁸⁵

Through assessing children detained at Yarl’s Wood IRC, Medical Justice clinicians identified psychological harm to be caused and exacerbated by detention.⁸⁶ Symptoms included bed wetting and loss of bowel control, heightened anxiety, food refusal, withdrawal and disinterest, and persistent crying. Many children exhibited signs of developmental regression.

⁸¹ Royal College of Midwives, (2017) ‘Position Statement Detention of Pregnant Women,’ October 2017, <<https://www.rcm.org.uk/media/2292/detention-of-pregnant-women.pdf>> accessed 16 May 2023.

⁸² Theresa May, Secretary of State for the Home Department, *Immigration Detention: Volume 608*, 18 April 2016, <<https://hansard.parliament.uk/commons/2016-04-18/debates/1604181000012/ImmigrationDetention>> accessed 16 May 2023.

⁸³ Royal College of GPs, Royal College of Psychiatrists, Royal College of Paediatrics and Child Health, and the Faculty of Public Health, ‘Intercollegiate Briefing Paper: Significant Harm - the effects of administrative detention on the health of children, young people and their families’ <<http://rcpch.adlibhosting.com/files/Significant%20Harm%20The%20Effects%20of%20Administrative%20Detention%20009.pdf>> accessed 16 May 2023; The Children’s Society, ‘What have I done? The experiences of children and families in UK immigration detention: Lessons to learn,’ 2011, <<https://resourcecentre.savethechildren.net/pdf/5485.pdf>> accessed 16 May 2023.; Bail for Immigration Detainees and The Children’s Society, ‘Last resort or first resort? Immigration detention of children in the UK’ 2011, <<https://resourcecentre.savethechildren.net/pdf/4089.pdf>> accessed 16 May 2023.

⁸⁴ Royal College of GPs, Royal College of Psychiatrists, Royal College of Paediatrics and Child Health, and the Faculty of Public Health, ‘(2009) Intercollegiate Briefing Paper: Significant Harm - the effects of administrative detention on the health of children, young people and their families’ <<http://rcpch.adlibhosting.com/files/Significant%20Harm%20The%20Effects%20of%20Administrative%20Detention%20009.pdf>> accessed 16 May 2023.;

⁸⁵ Royal College of GPs, Royal College of Psychiatrists, Royal College of Paediatrics and Child Health, and the Faculty of Public Health, ‘(2009) Intercollegiate Briefing Paper: Significant Harm - the effects of administrative detention on the health of children, young people and their families’ <<http://rcpch.adlibhosting.com/files/Significant%20Harm%20The%20Effects%20of%20Administrative%20Detention%20009.pdf>> accessed 16 May 2023.;

⁸⁶ Medical Justice, ‘State Sponsored Cruelty: Children in immigration detention,’ 5, 2010, <https://medicaljustice.org.uk/wp-content/uploads/2022/02/2010_State-Sponsored-Cruelty_Final.pdf> accessed 16 May 2023.

Children expressed suicidal ideation either whilst or after they were detained. Children attempted to end their own lives.⁸⁷

Physical health problems documented amongst children in detention included fevers, vomiting, abdominal pains, diarrhoea, musculoskeletal pain, coughing up blood and injuries as a result of violence.⁸⁸ They witnessed their families being subjected to racist abuse during dawn raids and other people being subjected to violence in detention. Children were also reported to have been physically harmed as a result of violence in detention.⁸⁹

We agree with former Deputy Prime Minister Nick Clegg MP, who in 2009 described the detention of children as “state sponsored cruelty”.⁹⁰ By allowing the indefinite detention of children, the Bill risks these horrors being repeated.

⁸⁷Ibid, Medical Justice, ‘State Sponsored Cruelty: Children in immigration detention,’ 5, 2010, <https://medicaljustice.org.uk/wp-content/uploads/2022/02/2010_State-Sponsored-Cruelty_Final.pdf> accessed 16 May 2023. (2010) State Sponsored Cruelty 5

⁸⁸Ibid, Medical Justice, ‘State Sponsored Cruelty: Children in immigration detention,’ 5, 2010, <https://medicaljustice.org.uk/wp-content/uploads/2022/02/2010_State-Sponsored-Cruelty_Final.pdf> accessed 16 May 2023. (2010) State Sponsored Cruelty 5

⁸⁹ Ibid, Medical Justice, ‘State Sponsored Cruelty: Children in immigration detention,’ 5, 2010, <https://medicaljustice.org.uk/wp-content/uploads/2022/02/2010_State-Sponsored-Cruelty_Final.pdf> accessed 16 May 2023. (2010) State Sponsored Cruelty 5

⁹⁰ BBC News, ‘Nick Clegg urges end to child detention ‘cruelty’’, 15 December 2009, <http://news.bbc.co.uk/1/hi/uk_politics/8413106.stm> accessed 19 May 2023.

Increasing the Cost and Scale of the Detention Estate

The current capacity of the UK's immigration detention system is approximately 2,245. Should the Government decide to detain all of the thousands of people it will have a duty to remove under the Bill, we anticipate the Government will have no choice but to drastically and rapidly increase the state's detention capacity; the current detention estate is simply not capable of sustaining such a significant increase in the population of people detained.⁹¹

Empowered by new legislation, it is possible that the Home Secretary will convert disused military sites on Crown Land into detention centres. This would not be unprecedented; in March 2023, local groups expressed concerns that the Home Office would convert RAF Scampton in Lincolnshire into a detention centre for migrants.⁹² The majority of accommodation and detention centres are located in relatively isolated, rural areas within small existing communities. Sites previously identified for potential use by the Home Office for detention or related purposes include Linton-on-Ouse in North Yorkshire, Wethersfield in Essex and Scampton in Lincolnshire. These communities lack the infrastructure required to safely and reliably support a large-scale immigration detention centre. In all cases, these proposals have been met by strong local opposition and risks exploitation by extremists undermining cohesion within our existing communities.⁹³

Refugee Council's current projections place the cost of detention at £120.42/day, which would add up to £3,371.76 for each individual's likely 28-day detention period, or £43,953.30/year⁹⁴ Given this figure, and the estimated number of who be summarily detained, Refugee Council estimates that that the cost of detention to the UK Government would soar to between £3.8 bn and £4bn within the first three years of the legislation coming into effect. Detention Action estimates that the cost of operating and maintaining the UK's detention system at the scale demanded by the "Illegal Migration Bill" would be exponentially greater than even these estimates suggest.

Such figures do not cover the further costs implicated in legal challenges and unlawful detention claims that would be associated with the Bill's passing. For comparison, the UK-Rwanda Removals Policy, a comparatively limited policy which sought to outsource the UK's migration processes, was associated with £1.3 million worth of legal costs for the Government.⁹⁵

⁹¹ We anticipate that this would immediately be accommodated by the use of quasi-detention spaces, such as hotels and the Bibby Stockholm, which have a significantly fewer number of safeguards in place when compared with IRCs and other officially-recognised detention spaces.

⁹² Joe Duggan, "Row erupts over plans for detention centre at RAF base that 'may scupper £300m revamp project'", *iNews*, 8 March 2023, <<https://inews.co.uk/news/immigration-detention-centre-plans-raf-scampton-row-regeneration-219473>>, accessed 17 May 2023.

⁹³ Rory Tingle, Tracey Kandohla and David Barrett, "'Everyone involved will lose out, including the asylum seekers': Villagers' fury at Home Office decision to turn Dambusters HQ RAF Scampton into detention centre for up to 1,500 migrants - as Tory council plots High Court injunction to block move," *the Daily Mail*, 30 March 2023, <<https://www.dailymail.co.uk/news/article-11919153/Villagers-fury-decision-turn-RAF-Scampton-asylum-seeker-accommodation.html>> accessed 17 May 2023.

⁹⁴ Home Office news team, *Factsheet: Cost of the asylum system*, 14 April 2022, <<https://homeofficemedia.blog.gov.uk/2022/04/14/factsheet-cost-of-asylum-system/>> accessed 17 May 2023.

⁹⁵ David Barrett, 'More than £1.3 million of taxpayers' money is spent defending 121 legal challenges to the government's Rwanda asylum plan,' *The Daily Mail*, 18 April 2023,

Historically, the number of unlawful detention claims filed has risen with the number of people detained. In 2022, the vast majority of people entering detention were people seeking asylum as opposed to those facing imminent removal. Of the 20,446 people held in detention that year, 19,447 people were released.⁹⁶ More than 15,000 people were released on Immigration Bail and approximately 11,000 of those individuals were released after fewer than Bill's 28-day detention period without judicial oversight. In the year ending March 2022, there were 572 proven cases of unlawful detention, of which a total of £12.7 million was paid in compensation; an increase of £11.9 million from 2015.⁹⁷ Under this new Bill, many more people would have legitimate unlawful detention claims or at least claims that their detention violates Article 5 of the ECHR, increasing the extent of government funds that would be necessarily be dedicated towards settlement and litigation efforts, up to and including to the European Court of Human Rights.

The UK's immigration detention system has been marked by repeated incidents of systemic and direct abuse, racism, neglect and overcrowded, unsanitary and poorly maintained substandard facilities. The drastic expansion of the detention estate would be very likely to increase the seriousness, scale and frequency of those failures. It would require the repurposing of facilities that are unsuited for human habitation and would necessarily lead to tremendous harm being inflicted on the people who are detention. Such mistreatment would be associated with high human costs.

<<https://www.dailymail.co.uk/news/article-11983175/Over-1-3m-taxpayers-cash-spent-121-legal-challenges-Rwanda-asylum-plan.html>> accessed 17 May 2023.

⁹⁶Home Office, *National Statistics: How many people are detained or returned?*, 23 February 2023,

<<https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-december-2022/how-many-people-are-detained-or-retained>> accessed 16 May 2023.

⁹⁷ The Migration Observatory, *Immigration Detention in the UK*, Oxford: University of Oxford, 2 November 2023,

<<https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>> accessed 15 May 2023. Immigration Detention in the UK (Nov 2022) - Migration Observatory, University of Oxford

Limiting Access to Justice

Across the UK, there is a serious lack of free or low-cost legal advice available on issues of immigration, nationality and asylum.⁹⁸ As mentioned previously, many people with immigration cases have to apply for ECF, which is a complicated and often inaccessible process. As of late 2021, there was a significant deficit in legal aid providers in every region of England and Wales, with the exception of London, where there was a very small surplus.

For example, in Lincolnshire, where the Home Office has proposed to create a new, large-scale asylum accommodation facility at RAF Scampton, there was no provision for legal aid at all. Similarly, the proposed site at Wethersfield, near Braintree in Essex, would face the same problems, as Norfolk, Suffolk and Essex had no legal aid provision as of late 2021. We remain concerned that military sites currently proposed for use as asylum accommodation could, under the new “Places of Detention” powers in the Illegal Migration Bill, be reclassified as detention centres without appropriate independent assessment or scrutiny, and without needing to adhere to current legal standards in terms of facilities and safeguards provided, including in relation to access to lawyers.

These significant barriers to legal advice already result in people being held in detention unlawfully and for longer periods than they should. Under the Illegal Migration Bill, the number of people held in detention would increase drastically, placing even greater strain on the already scarce legal aid services qualified to work on immigration cases.

In England and Wales, most non-asylum immigration matters are excluded from the scope of legal aid. Under existing legislation, people arriving in the UK in breach of normal immigration rules are permitted to make an application for asylum. Among those making journeys by small boat across the Channel in 2022, 90% applied for asylum⁹⁹. Based on historical data relating to the nationalities of people seeking asylum, around two thirds of those people would be recognised as refugees at the initial decision stage, if their applications for asylum were processed by the Home Office. More would likely be recognised as refugees through a second-stage appeal.

However, under the Illegal Migration Bill, people would be denied their right to seek asylum and, in turn, the vast majority of those arriving would therefore be ineligible for legal aid in England and Wales on that basis. Denied even the scarce legal support available to people seeking asylum, those people are less likely to receive legal support and, as a result, more likely to remain in detention for long periods of time beyond even the minimum 28 days.

⁹⁸ Jo Wildling, Refugee Action, ‘No Access to Justice: How Legal Advice Deserts Fail Refugees, Migrants and Our Communities,’ May 2022,

https://assets.website-files.com/5eb86d8dfb1f1e1609be988b/62bc316851f45566f5861378_No%20access%20to%20justice%20-%20how%20legal%20advice%20deserts%20fail%20refugees%2C%20migrants%20and%20our%20communities.pdf accessed 16 May 2023. [The Truth About Channel Crossings, Refugee Council \(March 2023\)](#)

⁹⁹ *Ibid*, Jo Wildling, Refugee Action, ‘No Access to Justice: How Legal Advice Deserts Fail Refugees, Migrants and Our Communities,’ May 2022,

https://assets.website-files.com/5eb86d8dfb1f1e1609be988b/62bc316851f45566f5861378_No%20access%20to%20justice%20-%20how%20legal%20advice%20deserts%20fail%20refugees%2C%20migrants%20and%20our%20communities.pdf accessed 16 May 2023.

This denial of legal support and access to justice would be particularly acute for victims of trafficking and Modern Slavery and for people considered ‘vulnerable persons’, such as children or pregnant women.

Conclusion

Denying people the right to seek protection first guaranteed by Article 14 of the Universal Declaration of Human Rights 1948 and detaining them indefinitely and arbitrarily with no effective judicial oversight will simply replace a wholly fixable asylum backlog with a vastly more costly and immovable detention backlog.¹⁰⁰ Worse still, it will subject tens of thousands of people - including people at additional risk of harm such as children, pregnant people and survivors of torture and human trafficking - to a detention regime that has been proven repeatedly to be unjust, inhumane, harmful and beset by abuse.

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As per our above analysis, we are recommending a series of amendments to alter the aspects of the Bill that impact the scale, nature and operation of the immigration & asylum system in the UK.

¹⁰⁰The Migration Observatory, *the UK's Asylum Backlog*, Oxford: University of Oxford, 5 April 2023, <<https://migrationobservatory.ox.ac.uk/resources/briefings/the-uks-asylum-backlog/>> accessed 15 May 2023.

¹⁰¹The Migration Observatory, *the UK's Asylum Backlog*, Oxford: University of Oxford, 5 April 2023, <<https://migrationobservatory.ox.ac.uk/resources/briefings/the-uks-asylum-backlog/>> accessed 15 May 2023.

Contributing Organisations

Detention Action operates a free Casework Service, providing practical, non-legal advice and support to people in immigration detention. We also work closely with people who have been held in immigration detention. In 2022, we provided support to several hundred people held indefinitely in immigration detention.

Graeme McGregor, Communications & Campaigns Manager -

graeme@detentionaction.org.uk

Ananya Kumar-Banerjee, Communications & Campaigns Officer -

ananya@detentionaction.org.uk

Bail for Immigration Detainees (BID) is a legal advice organisation, providing advice and representation in matters relating to immigration detention, bail and deportation. In addition to legal casework, BID also carries out policy and research work. From 2021-2022, BID assisted 7,446 people via its advice line, answered 1000 email queries and represented 366 people in relation to their applications for bail, succeeding in bail being granted to 313 people, equivalent to a 90% success rate.

Pierre Makhoul, Legal Director - 020 7456 9752 & pierre@biduk.org

Women for Refugee Women works with women seeking asylum to challenge the injustices of the UK's asylum system. We provide practical and emotional support to women in immigration detention.

Gemma Lousley, Policy and Research Manager - gemma@refugeewomen.co.uk

Medical Justice is the only charity in the UK to send independent volunteer clinicians to all the IRCs across the UK to assess people held in detention. The doctors document scars of torture and challenge instances of medical mistreatment. Evidence from our casework is the platform for our research into systemic failures in healthcare provision, the harm caused by these shortcomings, as well as the toxic effect of immigration detention itself on the health of people in detention.

Idel Hanley, Policy, Research and Parliamentary Manager -

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