

African Health Policy Network

Policy briefing

1 September 2011

Dignity in Detention

"Life in prison is better than in a removal centre, because in prison there is structure, a chance to work, and certainty of release date."

African man held in IRC, 2011, AHPN

Background

The practice of immigration detention is of growing concern, especially due to the increasing evidence of problems with access to treatment, care and support for those with health conditions. Immigration removal centres (IRCs) allow the UK Border Agency to detain people while their removal from the UK is being organised. Most IRCs are run by private companies, contracted by the UKBA to deliver detention facilities. The content of these contracts is kept secret.

Individuals with health conditions face particular risks in immigration detention. People living with HIV detained in IRCs have experienced treatment disruption, lack of access to specialist services and violation of privacy, documented by Medical Justice and our own soon to be published research. People with mental illnesses are also vulnerable: in the recent case of *S v SSHD* [2011] EWHC 2120 (Admin), the High Court ruled that the detention of an individual with a severe mental illness unlawful violated his right to freedom from inhuman or degrading treatment under the European Convention on Human Rights.

Facts

- In 2010, 16,500 people were removed from the UK directly from removal centres
- G4S, a company that runs IRCs, received over 700 complaints from detainees in 2010, including poor communication and racism
- In the past month, 3 people have died in IRCs, two from suspected heart attacks, and one committed suicide
- 52 incidents of self harm needing medical attention occurred in IRCs in quarter 1 of 2011

In 2009, 28,000 people were detained in total:

- 15,780 of these were asylum applicants
- 1120 of them were children
- 935 people were detained and released twice in that year, 30 people three times, and 3 people four or more times

On just one day, 31st December 2009:

- 2595 people were in detention
- 325 of them had been there for between 6 months and 1 year and 210 people for more than a year.

In the first 2 months of 2011:

- 7015 people entered detention, including 3215 asylum applicants and 10 children
- Child detention continues despite political promises to end the practice: in May 2011, 8 children were detained, and in June, 6 children taken into detention

AHPN through its Destination Unknown campaign, lobbying and advocacy work and a number of reports, has repeatedly expressed its concerns over the treatment of individuals detained for immigration purposes. We are currently carrying out extensive qualitative research across the UK into the treatment of African people held in IRCs.

Implications for the African community

Many of the individuals held in immigration detention are Africans, although figures for ethnicity of detainees are not available. In 2009, 46% of all asylum applicants, and 20% of all people removed or voluntarily deported, were from Africa. Our ongoing research in IRCs has found many African people are being detained.

AHPN's position

The AHPN believes that dignity should be central to the immigration process. The UKBA and private companies operating IRCs have published policies committing them to treating people with respect, upholding dignity and respecting confidentiality. **We call for the UKBA and these companies to observe their policies and implement their commitments, to ensure that dignity is prioritised throughout the immigration process.**

Detention under Immigration Act powers does not mean detained individuals are criminals. The removal of their liberty is not a punitive measure of justice. Instead, it is used as a practical tool. As such, we believe it should be a measure of last resort, applied only in the short term, and affecting only those individuals who will not have their health compromised as a result.

People living with chronic long term conditions including HIV and mental illnesses, should be given the right to access any health specialist care as and when needed. All parties involved in the process of immigration detention, including the Home Office, the UKBA and private sector contractors, should respect the dignity and rights of the individuals in IRCs.

Policy recommendations

- The contracts held by private companies to deliver immigration detention services should be made available to all stakeholder to ensure transparency and independent scrutiny
- A review of the health and well-being implications of detention should be undertaken, including consideration of who should be detained and who should be exempt
- The guidelines set by National AIDS trust and BHIVA must be followed and staff should be trained on HIV and indeed other health conditions particularly mental health.
- All IRCs in the UK should have standards procedures on detention, health treatment and care, support services and visitors.

Key messages

- Immigration detention is not criminal detention, and should never be punitive
- Immigration detention should be a short-term, last resort option
- Children should never be held in detention facilities
- People with health conditions requiring specialist care and treatment have the right to receive this, without disruption or compromising their privacy
- Individuals with mental illnesses should not be detained if this is a risk to their mental health

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