



## Liberal Democrats for Seekers of Sanctuary

23 Lincoln Road, Hindley, Wigan. WN2 3QY

johnskipworth038@btinternet.com (correspondence)

[info@ld4sos.org.uk](mailto:info@ld4sos.org.uk) [www.ld4sos.org.uk](http://www.ld4sos.org.uk) [facebook.com/ld4sos](https://www.facebook.com/ld4sos) [twitter.com/ld4sos](https://twitter.com/ld4sos)

President Lord Roger Roberts of Llandudno

## IMMIGRATION DETENTION in the UK

### WHAT IS IMMIGRATION DETENTION?

AVID<sup>1</sup> gives a good description of this. "Immigration detention is the practice of holding people who are subject to immigration control in custody, while they wait for permission to enter or before they are deported or removed from the country. It is an administrative process, not a criminal procedure. This means that migrants and undocumented people are detained at the decision of an immigration official, not a court or a judge. Unlike most other European countries, there is no time limit on immigration detention in the UK."

### WHO IS DETAINED?

In the 12 months up to June 2019 24,052 people<sup>2</sup> were held under Immigration Act powers, for a range of reasons. Just under half had claimed asylum at some point, and many of those had had their claim refused. Some will have overstayed or breached the terms of their visas, or will be foreign nationals who have completed a prison sentence of at least 12 months and are to be deported. Some will be newly arrived in the UK, others will have lived lawfully here for many years. There are between 2,000 and 3,500 in detention at any one time.<sup>3</sup>

### WHERE ARE PEOPLE HELD?

People are detained in detention centres known as 'Immigration Removal Centres' (IRCs) or in one of the ten Short-Term Holding Facilities (STHFs), and some 400 – 450 are held in prison. Those in prison have little or no access to legal advice, contact with the outside world, or safeguards against unlawful detention.<sup>4</sup>

The Home Office contracts out the management of detention facilities to private providers.

### FOR HOW LONG ARE PEOPLE HELD?

The UK is the only country in Europe that doesn't have a maximum time limit on detention. During the year ending June 2017 27,862 people left detention; 51% had been in detention for less than 28 days; 29% for between 29 days and 3 months and 11% for between 3 and 6 months, and 9% for 6 – 24 months. The latest Govt. figures on immigration detention show that, in the first quarter of 2019, one man had been held for 727 days! That is nearly TWO YEARS. Since 2015, **fewer than half of all people detained have been removed or deported**, and this figure continues to fall.

Between January and March 2019, **only 39% of people were returned from detention; 61% were released to continue living in the UK.**

### HOW MUCH DOES IT COST?

In 2017/18, Home Office detention expenditure was £108m, which worked out at £33,000 per person, per year. There is also £3 million a year paid out in compensation for unlawful detention. A 28-day time-limit would save the UK taxpayer £35 million per year.

**The cost to the taxpayer is enormous, but the human cost is incalculable.**

### WHAT HAVE THE LIBERAL DEMOCRATS BEEN DOING?

**REPORT CHAIRED BY LIB DEM MP** In March 2015, an All-party Parliamentary Group of MPs and Peers, chaired by Sarah Teather (at that time a Lib Dem MP) published a report<sup>5</sup>, after a 9-month enquiry. The report recommended that there should be a maximum time limit of 28 days on the length of time anyone can be detained; a presumption in favour of community-based resolutions and against detention; decisions to detain should be very rare and detention should be for the shortest possible time; and that the Government should introduce a much wider range of alternatives to detention. Our new policy includes many of its recommendations.

<sup>1</sup> Association of Visitors to Immigration Detainees.

<sup>2</sup> <http://detentionforum.org.uk/2019/08/29/digging-beneath-the-detention-statistics-2019-what-has-changed/>

<sup>3</sup> <http://www.aviddetention.org.uk/immigration-detention/find-local-visitor-groups-or-immigration-removal-centers/list-detention>

<sup>4</sup> <http://detentionforum.org.uk/2019/05/30/latest-detention-statistics-stop-tweaking-start-reforming/>

<sup>5</sup> Teather report 2015 "The Report of the Inquiry into the Use of Immigration Detention in the United Kingdom A Joint Inquiry by the All Party Parliamentary Group on Refugees & the All Party Parliamentary Group on Migration":

<https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf>

**SHAW REPORT 1**<sup>6</sup>. The Government asked Stephen Shaw, a former Prisons and Probation Ombudsman, to conduct a more limited review of the welfare of vulnerable people in detention, and the result was published in January 2016 with 64 recommendations for reform. Liberal Democrats in Parliament repeatedly asked questions and contributed to debates on the need for the Shaw report to be implemented.

**THE IMMIGRATION ACT 2016.** Liberal Democrats in Parliament took a leading part in calls for reform in immigration detention. At the time we said: “This is not enough of a compromise, although it shows the Government is starting to take notice.” Campaigns to reduce the length of time someone can be detained continued. There have been a few Government reforms since, but they have not in practice made much difference.

**IN PARLIAMENT.** Liberal Democrat MPs and Peers have kept up the pressure in Parliament, and LD4SOS have done all they can to inform, lobby, and change the inhumane and unjust system. We have also submitted evidence to reviews and select committees and encouraged others to do so.

**MANIFESTO COMMITMENTS.** There have been calls for an end to indefinite detention and other improvements in the detention system in both our 2015 and 2017 election manifestos.

**SHAW REPORT 2**<sup>7</sup> was published on the last day of parliament before the 2018 summer recess, so little time was given for anyone to read and comment.

However you can see on our website what LD4SOS produced<sup>8</sup> as an initial response. We noted that in the 2½ years since the last report, only 31 of its 64 recommendations have actually been implemented.

As Shaw says too, “There is a big gap between intention and practice”. We say much more must be done, as outlined in a number of his latest recommendations, so that policies are actually being carried out as intended.

**LIBERAL DEMOCRAT POLICY SEPTEMBER 2018** – Federal Conference agreed policy based on Policy Paper 131, viewable here:

[https://d3n8a8pro7vhmx.cloudfront.net/libdems/pages/43501/attachments/original/1533290054/Policy\\_Paper\\_131\\_-\\_A\\_fair\\_deal\\_for\\_everyone.pdf?1533290054](https://d3n8a8pro7vhmx.cloudfront.net/libdems/pages/43501/attachments/original/1533290054/Policy_Paper_131_-_A_fair_deal_for_everyone.pdf?1533290054)

**We agreed:**

- Detention to be subject to judicial review within 72 hours, and to be no more than 28 days overall.
- Detention to be used only as a last resort, for as few days as possible, for as short a time as possible.
- A drastic reduction in the detention estate, which can, and should, be done.
- An end to the detention of all vulnerable people. This includes victims of torture, those with mental illness and Post Traumatic Stress Disorder, victims of gender based violence, pregnant women, and people with learning difficulties.
- Alternatives to detention through case-worker support in the community.
- Better conditions in both refugee housing and in detention.

**Whilst welcoming, and supporting all moves for improvements in conditions, LD4SOS continues to say that the Government must not let small improvements distract attention from there being very little need at all for Immigration Detention.**

**2019.** Liberal Democrats worked with others to support an all party amendment to the Immigration Bill, to bring in a 28 day time limit to detention. Over 80 MPs signed, which included 100% of Lib Dem MPs at the time. This Bill will not come before parliament until a new session, and work will begin again.

**WHAT ABOUT CHILDREN?** In 2009 over 1,000 children a year were detained. The Liberal Democrats in coalition radically changed this. Children with their families stayed, for no longer than 72 hours, in a special “pre-departure centre”, Cedars, with the welfare of the children being provided by Barnardos. The Conservative Government closed Cedars in 2016. There is now a special unit in Tinsley House IRC. Last year 44 children were detained and Liberal Democrats are working to stop this. We are also concerned about the separation of children and parents.

**DETENTION FORUM**<sup>9</sup>. This campaigning forum is doing excellent work in keeping up the pressure on the need for detention reform. It works across all political parties and organisations and produces informative reports.

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<sup>6</sup> Shaw Report 2016: <https://www.gov.uk/government/publications/review-into-the-welfare-in-detention-of-vulnerable-persons>

<sup>7</sup> <https://www.gov.uk/government/publications/welfare-in-detention-of-vulnerable-persons-review-progress-report>

<sup>8</sup> <https://ld4sos.org.uk/en/document/information-documents/shaw-report-2-2018>

<sup>9</sup> <https://www.detentionforum.org.uk/>