

Written evidence to the Home Affairs Committee Detention Inquiry by Scottish Detainee Visitors (SDV)

About Scottish Detainee Visitors (SDV)

1. SDV is an independent charity based in Glasgow that seeks to influence policy on immigration detention and provides support to people detained in Dungavel Immigration Removal Centre, and on release from detention. Since 2002, SDV volunteers have visited people in Dungavel twice a week to provide support. We visit over 200 people in Dungavel every year and are the only civil society organisation to visit people in Dungavel every week.

Dungavel

2. Dungavel is the only detention centre in Scotland. It is located in an isolated position, an hour's drive from Glasgow, six miles from Strathaven in South Lanarkshire. A former hunting lodge, it opened as a detention centre in 2001 and is currently managed by GEO Group. It has the capacity to detain 249 people (235 men and 14 women).

What detention means for people in Dungavel

3. The impacts of the UK's system of indefinite detention on the people affected by it have been well documented in, for example, 2015's report of the parliamentary inquiry into the use of detention in the UK¹ and the Shaw Review into vulnerable people in detention². However, there are some particular issues for people detained in Scotland, considered briefly below.

Isolation

4. Dungavel is in an isolated position. It is not on a bus route and the nearest railway station is 14 miles away. The nearest detention centre is Morton Hall in Lincolnshire, 270 miles away. People are brought to Dungavel from all over the UK, often taking them far from where they have been living before their detention.
5. The location of Dungavel means that maintaining contact with family and friends can be extremely difficult for people detained there. For visitors without access to a car, the journey to Dungavel can be lengthy. For people coming from the south of England or the north of Scotland, a visit to Dungavel is likely to require an overnight stay. SDV visitors frequently talk to people whose families and friends are unable to afford to visit them.

¹ <https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf>

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf

This increased difficulty in maintaining contact with family and friends exacerbates the mental health impacts already inherent in indefinite detention.

Vulnerable people in Dungavel

6. A recent report in the Sunday Herald³ highlighted the extent to which people detained in Dungavel are at risk of self-harm. It revealed that in one month in 2017, 20 out of 145 people detained in Dungavel were monitored for being at risk of self-harm.
7. The figures, obtained by the newspaper by a freedom of information request, are not surprising to SDV. We frequently meet people in detention suffering from mental ill health. This includes people with pre-existing serious mental health conditions, such as schizophrenia, and those whose mental health has deteriorated as a result of their indefinite detention.
8. SDV visitors have also met people in detention with serious physical health issues including those who had scars that would strongly support their claim to have been tortured. HMIP's latest inspection report highlighted concerns about the detention of vulnerable people including a torture survivor and a woman with a serious health condition⁴.

Concerns about health care

9. Questions about the vulnerability of people who are detained and about the health impacts of detention are exacerbated by concerns about the quality of the health care in Dungavel. People in detention there tell us that paracetamol is offered for everything, and that it can be difficult to get an appointment with a doctor. A woman we visited recently was distressed to be taken to hospital for an appointment in handcuffs. Her distress was increased by the officer accompanying her failing to leave the room during her consultation, making her extremely uncomfortable.
10. The death of a Chinese national at Dungavel in September 2017 caused upset and distress to some of the people we visit. In discussions with them, they were clear that the death was of natural causes, but rumours were circulating that the man who died had complained of chest pains the day before and staff may not have responded with sufficient urgency. The investigation into the death that is currently underway by the Prisons and Probation Ombudsman may clarify this, but concerns about unresponsive and dismissive health care in detention have been raised by organisations such as Medical Justice⁵.

³http://www.heraldscotland.com/news/16144601.quot_A_tragedy_quot_Suicide_watch_figures_at_Dungavel_detention_centre_revealed/

⁴<https://www.justiceinspectores.gov.uk/hmiprison/wp-content/uploads/sites/4/2015/07/Dungavel-web-2015.pdf>

⁵<http://www.medicaljustice.org.uk/wp-content/uploads/2016/04/althcareinDetention-SummarybyMedicalJusticeforShawReview.pdf>

11. In recent months, we have seen rising numbers of people reporting severe dental pain and experiencing long delays in being seen by a dentist. One man, now released, was detained a day before a dental appointment to address a serious issue but was never seen by a dentist while he was in Dungavel. Another person we visited was experiencing dental pain as a result of torture and waited weeks to be seen by a dentist. We have referred these concerns to centre management and are told that the waiting list is very long and that local dentists ‘ration’ appointments.

Women in Dungavel

12. There are 14 bed spaces for women in Dungavel compared to 235 for men. In a film made by SDV, one woman who had been detained there described it as being *‘like a chicken surrounded by dogs’*.⁶ Over the years that SDV has been visiting, it has been commonplace for just one or two women to be detained at the centre: an isolating and potentially frightening experience, particularly in light of research by Women for Refugee Women showing the histories of gender-based violence of many detained women.⁷
13. The most recent inspection report of Dungavel noted that ‘there were inevitable risks associated with holding women in a predominantly male centre. There were no specific policies focusing on this issue’ and recommended that a specific safer custody and safeguarding policy should be developed for women.⁸

Dungavel is increasingly a place of detention of EU nationals

14. In 2017, our visitors were aware of seeing more and more EU citizens detained in Dungavel. Our own visit statistics for 2017 show that 24% of the 238 people we visited were EU citizens. This compares to just 3% in 2016.
15. According to the latest Home Office figures,⁹ across the whole of the UK, 19% of people entering detention in 2017 were EU citizens (a rise from 16% in 2016). For those entering detention in Dungavel, however, the proportion had gone up from 18% in 2016 to 33% in 2017 – the highest of any detention centre in the UK.
16. In the past, when we met EU nationals in Dungavel, they had been sent to detention on a deportation order having served a prison sentence for a criminal offence. Increasingly, we meet EU nationals who have no criminal record in the UK and have been detained on what appear to be spurious grounds. This situation has led some politicians to argue that the Government is motivated by ‘politics, not policing’¹⁰. This is an issue that we are continuing to monitor.

⁶ <https://vimeo.com/47544343>

⁷ <http://www.refugeewomen.co.uk/2016/wp-content/uploads/2016/07/WRWDetained.pdf>

⁸ <https://www.justiceinspectrates.gov.uk/hmiprison/wp-content/uploads/sites/4/2015/07/Dungavel-web-2015.pdf>

⁹ <https://www.gov.uk/government/statistics/immigration-statistics-october-to-december-2017>

¹⁰ <https://www.independent.co.uk/news/uk/home-news/eu-nationals-immigration-detention-removal-centres-fivefold-increase-figures-conservatives-brexit-a8180286.html>

Legal issues specific to Scotland

17. Wherever they are detained, people are subject to frequent and arbitrary moves around the detention estate.¹¹ These moves are disruptive and disorienting to anyone who is detained but when the moves are between Dungavel and the centres in England, the consequences can be particularly serious because of the differences in the legal systems between England and Scotland.
18. A move to England often takes place just before an attempt is made to remove someone. It may then not be possible for a Scottish solicitor to make representations on a person's behalf in England and there may not be time to find an English solicitor to challenge a possibly unlawful removal.

The vast majority of people are released back into the community

19. According to the government's own guidance,¹² a key purpose of detention is to effect removal from the country. However, official figures¹³ show that detention is ineffective in facilitating removal and that Dungavel is even more ineffective than the detention estate as a whole.
20. In 2017, 60% of those leaving detention from Dungavel released back into the community¹⁴. This compares to 51% for the detention estate as a whole. Just 38% of people leaving detention from Dungavel were removed from the country compared to 47% for the detention estate as a whole.
21. The fact that over 800 men and women were detained in Dungavel at significant cost the public purse and even greater cost to their wellbeing and that of their families, friends and communities, only to be released again, raises serious concerns. Moreover, anyone who has been detained lives in fear of it happening again. SDV's Life After Detention group works with people who have been detained in the UK. Many of them sign on at the Home Office regularly to comply with the conditions imposed on them. Each time they do that, they worry that they will be detained again. As Miriam, one of the group says, "Because of detention I can't sleep for a week before signing at the Home Office in Glasgow". That fear ripples out to their families, friends and whole communities, and is felt even by people who have never been detained

Recommendations for change

22. SDV wishes to see radical detention reform to address the injustices and harms of the current system. Specifically we argue for:
 - The introduction of a 28-day time limit on detention. At the end of 2017, 70% of people in detention were had been detained for longer than 28 days. Introducing a 28

¹¹http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71vw32008_HC71_01_VIRT_HomeAffairs_ASY-73.htm

¹²<https://www.gov.uk/government/collections/enforcement-instructions-and-guidance>

¹³<https://www.gov.uk/government/statistics/immigration-statistics-october-to-december-2017>

¹⁴<https://www.gov.uk/government/statistics/immigration-statistics-october-to-december-2017>

day time limit would at a stroke bring about the drastic reduction in detention called for by the Shaw Review

- A move to community-based alternatives to detention. There is increasing evidence that working with people subject to immigration control within the community using a case management approach, based on early intervention and tailored to the specific needs of different populations has significant advantages. It is cheaper, more humane and more effective.
- Better end of sentence planning for foreign-national ex-offenders. Many of the people we visit are detained pending removal following a prison sentence. Often their detention is prolonged, as there are significant barriers to their removal. Prolonged, costly and harmful detention could be avoided with better planning while people are serving their sentences. Where it is clear that there are barriers to removal or voluntary return, ex-offenders should be released and any potential risks managed within the community, as they would be for UK nationals.

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