



# HOUSES OF PARLIAMENT

## Joint Committee on Human Rights

Oral evidence: [Immigration detention](#), HC 1484

Wednesday 28 November

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Members present: Ms Harriet Harman (Chair); Ms Karen Buck; Baroness Hamwee; Baroness Lawrence of Clarendon; Lord Trimble; Lord Woolf.

Questions 32–59

Jenny, former detainee; Natasha Tsangarides, Senior Policy Adviser, Freedom from Torture.<sup>1</sup>

### Examination of witnesses

Q32 **Chair:** Thank you very much indeed, Jenny. I will introduce us to you and you can see our name tags here. We are the Joint Committee on Human Rights. That means that we are concerned about human rights, and we are half Members of the House of Lords and half Members of the House of Commons. We are doing an investigation into human rights issues in relation to immigration detention. We look at human rights issues in relation to people who have committed offences or people who have mental health problems, but we are also looking into the question of people who are detained in immigration detention.

As well as having heard from various people involved in the detention process and lawyers, we would like to hear from you. We also have a couple of other witnesses who are coming today to tell us from the detainees' point of view what it feels like. You have Natasha with you. Would you like to introduce yourself to the Committee, Natasha?

**Natasha Tsangarides:** I am a senior policy adviser at Freedom from Torture.

Q33 **Chair:** You are just sitting next to Jenny for solidarity. I will start the questions by asking you a bit by way of background. What was

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<sup>1</sup> Evidence taken in private

your situation when you came to be detained and what happened?

**Jenny:** It was surprising, to be honest, because, after I submitted my asylum claim, they told me that I should be reporting at \*\*\*\*<sup>2</sup>. I was going there every month. Then they gave me a letter to say I should come back after six months.

It was not yet six months later when immigration enforcement came to my house. It was 6 o'clock in the morning and they were banging on the doors. My sister got a surprise. She thought, "Who is it at this time of the morning?" When she opened the door, they just pushed her to the side and came in. They said they were looking for me. My sister said, "You cannot just come to my house, push me to the side and tell me who you are looking for. What did she do? Did she do anything wrong?" They said, "We have a warrant to detain her".

They starting saying they were looking for me, and they came upstairs to my room where I was. The lady said, "You should wake up and get dressed, because you are coming with us". My sister did not want me to go because she knew I had a fresh claim<sup>3</sup> application still pending and I was reporting regularly, so she did not understand why they wanted to take me but there was really nothing that she could do.

They put me in a van and took me to the nearest police station, which was about five minutes' drive from our house. I went there without shoes or a coat on. They left all my toiletries at home. It was just me there. They did not allow me to make a phone call until later. My sister did not know where I was until 8 o'clock at night.

**Chair:** You have explained that because you were in a reporting process you were not thinking that at any moment there could be a knock at the door.

**Jenny:** I was not.

Q34 **Chair:** It must have come as a big shock to your sister and you. What happened at the time they were detaining you?

**Jenny:** I was shocked and scared. Since they told me to come after six months, and I was planning on going back after six months, I thought everything was okay. But they just showed up. My sister said, "Normally you should refuse her asylum claim first before you detain her". They just said, "We have the warrant, so she is coming with us". So I went with them.

**Chair:** Who was in the house at the time when you were taken out of the house? How many immigration detention officers were there?

**Jenny:** There were four.

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<sup>2</sup> Redacted

<sup>3</sup> Correction by witness

**Chair:** Were they all women?

**Jenny:** No, there was one lady and three male officers. Then there was me, my sister, her husband and her two children.

**Chair:** Did they see all that was going on?

**Jenny:** Yes. One of her children, who is now five and was two and a half at the time, was sleeping in the same room as me. When the lady came in he was sleeping, so he had to wake up. When they were dragging me down the stairs, he saw the whole thing.

**Chair:** It was traumatic, was it, you being taken off and put in a van?

**Jenny:** Yes. They had to handcuff me first. Then they put me in a van.

**Chair:** Were you struggling? Is that why they handcuffed you?

**Jenny:** To be honest, that is what they do normally. I was scared. I will not lie. I did not want to go with them, because I felt I was doing everything I was supposed to do and them just showing up was not fair, so they handcuffed me.

**Chair:** Have you ever been handcuffed or detained before?

**Jenny:** No. It was the first time.

**Chair:** Did you then know what was going to happen to you, and whether you would have a right to challenge it and get legal advice? Did you just think, "I do not know what is going on"? Did you think, "Right, next I am going to be able to challenge it, there is going to be an appeal process and I am going to be out"?

**Jenny:** At that particular time I did not know. When I was detained and my sister could not get hold of me, she called Freedom from Torture. They advised her what to do. They told her they were going to support her as well. They called a lawyer and told the lawyer what had happened, and she took it from there.

Q35 **Chair:** How did your sister know about Freedom from Torture? Did she google it or did she know about them anyway?

**Jenny:** I was already receiving counselling from Freedom from Torture.

Q36 **Chair:** Did you have a sense of when you would get out, or were you worried about a situation where it was indefinite detention without a particular fixed period?

**Jenny:** Yes, I was worried. I did not know when I was going to get out, up until they took me to the airport, because they tried deporting me.

Q37 **Chair:** I can guess your answer to this, but were you at risk of absconding, of running away? If they had not taken you and put you in detention, were you planning to run away somewhere, to abscond and to stop reporting?

**Jenny:** No. I was still a minor then, and I was under my sister's protection, but the Home Office did not accept I was a minor<sup>4</sup>.

**Chair:** How old were you?

**Jenny:** When they came to detain me I was about to turn 18. My sister is the only person I have in the UK, so I would not run away to anywhere else.

**Chair:** There was nowhere for somebody as young as you to run to anyway.

**Jenny:** No.

**Chair:** Had you lived there for a while?

**Jenny:** Yes. I had lived there for a year and a half to two years, because I came to the UK in 2013.

**Chair:** Ever since you have been in the UK, that is where you have been, is it?

**Jenny:** Yes.

Q38 **Chair:** By the way, the bells might suddenly start ringing. If they do, it is nothing to do with what is happening in this Committee. It is because we have a vote, so we will have to go off to vote, I am afraid. It will interrupt things.

Tell me about the issue of being able to contact your sister. How quickly were you able to contact your sister? Did you ask initially to?

**Jenny:** Yes, I did. They said they were going to get back to me. That was when I was in the police station. They did not. They just gave me a cell. They gave me blankets because it was really cold. Then a few hours later they told me that I was going to \*\*\*<sup>5</sup>. That is where they took me. When I got there they just put me in. After that they told me that I could make a phone call. It was around 8 o'clock or 8.30 at night.

**Chair:** So you had a whole day without any contact.

**Jenny:** Yes.

Q39 **Chair:** Did you have a sense at that point that there was a legal process that you would be able to use to get out of detention?

**Jenny:** They told me that if I could not afford a lawyer they could get one for me. Then I can tell the lawyer I am asylum seeking and they can advise me on the way forward.

Q40 **Chair:** What was it like to be a detainee in a detention centre? What were the circumstances? What did it feel like?

**Jenny:** It felt like prison. The only difference was that it was called a detention centre, not a jail. There is not much difference at all.

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<sup>4</sup> Correction by witness

<sup>5</sup> Redacted

**Chair:** How long were you there?

**Jenny:** I was there for three months.

**Chair:** Did you think that you were never going to get out? Did you wonder when you were ever going to get out?

**Jenny:** Yes, I did wonder, because there were other people who had been there for three years. I was wondering whether I was going to be there for that long or a lesser time.

Q41 **Chair:** You had been claiming asylum on the basis of suffering trauma in your country of origin.

**Jenny:** Yes.

**Chair:** Which country was that?

**Jenny:** Zimbabwe.

**Chair:** Did that make your imprisonment in the detention centre feel worse? Did it make you feel more vulnerable, as somebody who had suffered?

**Jenny:** The whole process of them dragging me down the stairs, pulling me with my nightgown, brought back memories that I was trying so hard to forget. It made matters worse, thinking about what had happened there for three months.

Q42 **Chair:** You had fled to this country for your safety and then you felt unsafe again. Was there any healthcare in the centre at all?

**Jenny:** Yes, there was.

**Chair:** What did that consist of?

**Jenny:** It depends on one's medical issues.

Q43 **Chair:** I do not know whether you know, but every year about 27,000 people are detained like you were. What do you think about what happened to you and how should the process change?

**Jenny:** There are a lot of things not right in the detention centre. I am not talking about the way they drag you from the house, just about being there, because they treat us like prisoners. Sometimes a male officer will not knock. They will just open the door and come inside, not having it at the back of their mind that one might be naked. Sometimes, when you tell them you are not feeling well, they ignore you and say you are lying because you are afraid of being detained and then deported to your country.

A lot of things have gone wrong. Some people complain and say, "I am not allowed to eat this" because of their religion or personal preference. They say, "That is what we are serving today, so if you cannot eat that you have to buy your own". Not everyone has the money or the family who can send them money in detention.

Q44 **Chair:** What was the atmosphere like? Was it calm and peaceful? Was it tense? Was it noisy? How did you feel in relation to the other detainees?

**Jenny:** There are different rooms. Where I was first brought in it was quiet because they normally put you with people who are recently detained. Once they move you to where others are, it can be noisy at times because sometimes the officers come and drag someone. Let us say someone is due to be taken away; they come and drag the person. When the other detainees see that, they start screaming and say, "Why are you doing this? You should not drag the person. Just let her walk nicely, or just leave her if she does not want to go". It can be noisy at times, but sometimes it was all right.

**Chair:** Sometimes there was a heightened atmosphere because of the situation of people being removed and taken away, which they did not want to be?

**Jenny:** Yes.

**Chair:** How often would that happen? Would it be once a week or once a day?

**Jenny:** It would be every day.

**Chair:** Every day they would be dragging somebody off, and everybody would be shouting and unsettled.

**Jenny:** In my own experience, I did not know I was due to be taken to the airport. I was sleeping. They called me to say, "Come to reception". I went there and there were seven officers already waiting for me. When they told me, "We are taking you to the airport", I said, "Okay". But they still surrounded me. I said, "I am not really happy with this because I am not refusing. I am going to go with you. There is no need for you guys to surround me". They said, "It is just protocol and we need to do it because we never know what you might think of".

Q45 **Chair:** What did you think about at that point? Were you worried about being deported?

**Jenny:** Yes, I was.

**Chair:** What happened after that?

**Jenny:** My lawyer managed to put in an injunction before the plane left, so they took me off the plane and two days after that they released me.

**Chair:** That was the lawyer your sister had got through the organisation.

**Jenny:** Yes.

**Chair:** But, if your sister had not got them, they said they would provide you with a lawyer otherwise.

**Jenny:** Yes.

**Chair:** Were there any other young people like you?

**Jenny:** I do not know, because when I got in some were already released. Maybe there were other people my age before I got there but, when I was there, there were not.

**Chair:** So mostly they were older than you.

**Jenny:** Yes.

Q46 **Baroness Lawrence of Clarendon:** One of the things you said about being taken from your home was that, when you got into the van, you had no shoes or coat. Were you not allowed to put any shoes on?

**Jenny:** No. I was crying. I am not going to lie; I was crying. I did not want to leave the house. That annoyed them. They ended up handcuffing me and saying, "You are just going to go the way you are", so they took me.

**Baroness Lawrence of Clarendon:** While I was listening to you, I was wondering how you got clothes and toiletries.

**Jenny:** My sister brought them to me at \*\*\*<sup>6</sup>. They also offer certain things. They give you a toothbrush and underwear if you do not have any, but my sister came the following day and brought me toiletries.

Q47 **Chair:** Was there a difference between people like you who had not served a prison sentence and had not been arrested but who were just being deported, and those people who were in there at the end of a prison sentence? Were you aware of some people being criminals?

**Jenny:** Yes.

**Chair:** Did you know that your lawyer was making representations for you, how that was going and what was going to be happening?

**Jenny:** Yes, I did. We had phones so my lawyer would call me about tell me about the progress.

Q48 **Chair:** Was the idea of being able to have a lawyer there really critical to you? Was it really important?

**Jenny:** Yes.

**Chair:** Was that a bit of a lifeline for you? Did the fact that you had a lawyer acting for you give you a sense that there might be some hope?

**Jenny:** No, not really. Sometimes, even when you have a lawyer, if they want to remove you they will still do it.

**Chair:** Okay.

**Jenny:** It is just a 50:50 chance. If you are lucky, you can be released. If you are not, you can be deported.

Q49 **Chair:** I have one final question, because there is a vote now. The bell has been turned off but there is a vote happening. Once you got out, did it take you some time to recover? Did it make you feel more apprehensive and worried about things for the future? Did you think, "They're going to come knocking on my door again"? How did that episode of detention affect you?

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<sup>6</sup> Redacted

**Jenny:** At first, I could not really believe that I was out. It was like I was dreaming that I was finally out. It took me some time to get used to being out again. But it was not really over, because when I got out we had a letter to say I should be going to \*\*\*<sup>7</sup> every week. Just being in that situation and seeing the officers did not allow it to go away.

**Chair:** It put a cloud of fear over you that it might happen again.

**Jenny:** Yes.

**Chair:** We have to vote now. It is only the House of Commons that is voting, which is why the others are not. I am just going to thank you very much indeed for coming to give evidence to us.

Witness[es]: **Arrey**, former detainee; **Michael**, former detainee gave evidence.

Q50 **Chair:** I am the Chair of the Joint Committee on Human Rights. As our name suggests, we are concerned with looking at issues that affect the human rights of people in this country. Half of the Members here are Members of the House of Lords, and half of us are MPs—Members of the House of Commons. We are looking at the question of human rights in relation to immigration detention. We have heard from experts and from lawyers. Now we are very pleased to be able to hear from you as two people who have experienced immigration detention. We are going to start with questions, but tell us anything you want about your experience. Even if the question is not the one put to you, tell us what you feel.

Q51 **Baroness Hamwee:** You are experts because of the experience that you have had. Thank you for coming.

This is a very general question to start with and I do not mind who starts. Can you tell us what happened when you were taken into detention and the experience of how you were detained? You are both being polite with each other, are you not?

**Michael:** I and my colleague Arrey are members of Freed Voices. Freed Voices is for those who have experienced detention in the UK. We are dedicated to raising awareness of the realities of detention and calling for a policy change. At the beginning, you said that you have heard from the experts. Who are these experts? What are they experts in? My experience in immigration detention is, by far, not an isolated case. Freed Voices has 25 individual members, who have all experienced detention. Between us, we have lost 20 years of our lives to detention in the UK. You asked, "How was it?"

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<sup>7</sup> Redacted

**Baroness Hamwee:** What happened to you when you were detained and taken to the detention centre?

**Michael:** As to my personal experience, I arrived in the UK at the age of 12 with my father, who abandoned us three years later. My struggle over the years to regularise my state fell on deaf ears. I began using somebody else's identity to work, so I got a criminal record. I went to prison. The day before I was meant to be released from prison, I was served with some paper that basically told me that, because of my immigration status, they were allowed to hold me for God knows how long. Nobody was able to give me an answer as to when my detention was going to end. Members of Freed Voices have had similar experiences. I am in contact with many people in detention on a daily basis, and this is the norm.

**Baroness Hamwee:** Was there anybody you could ask about what that meant when you were served with that paper? Did you have access to any advice at that point?

**Arrey:** Thanks again for giving us your ears. We are going to try our best to tell you everything we know about detention.

**Baroness Hamwee:** I am sorry; I did not mean to derail you.

**Arrey:** It is okay. We will try to alternate the answers so we can give you as much information as we can. Everything being equal, if you had any problems with the law or a governmental body, you would expect to go through a legal procedure before a decision was made about you, be it individual punishment out of prison, being incarcerated or any form of punishment. You go through a legal process before that decision is made. When it comes to an immigration decision, especially in the UK, you do not have that option. You are not even given pre-warning that you are going to be detained. If you were given pre-warning, at least you could prepare all the forms of evidence you needed or forms of support you could use while you were in detention, but that warning is not given to you.

The worst part is that you do not even have the legal advice. If you are lucky enough to have the money to have legal representation when you discover your immigration situation is irregular and you are trying to regularise it, you could have some form of legal advice. But even that legal advice is not complete, because you do not know when you will be detained, if you will be detained or if your situation will be regularised before it comes to any question of detention.

I have not been to prison, so I would not be able to answer the exact question. During the nine months I was in detention, I spoke to people, found out about their situations and tried to find out any information I could to help me get out of detention. I discovered that if the Crown Prosecution, the CPS, is competent enough—excuse my choice of words, but they are the best I can use—it will tell you that if you get more than a

12-month sentence, you are liable to be deported, but that does not necessarily mean that your deportation would take place from a detention centre. I spoke to someone who said, yes, he was told he would be deported, but he thought he would leave prison, get straight into the plane and be deported. Sending him to the detention centre was unexpected.

Yes, if you are lucky, the Crown Prosecution Service might tell you that you will be deported. But they do not give you any explanation, because that is not their expertise. They will tell you that, because of the laws governing what is happening to you, this could happen. As to explanation, you get none.

**Baroness Hamwee:** Michael was taken straight from prison. What was your experience?

**Arrey:** I am an overstayer. I had a visa to come to the country. My passport expired. I take full responsibility for that, because I should have been more careful with my passport. When I was told I had irregularities with my immigration situation, I asked what could be done. I was told to get solicitors to help me regularise my stay. Unfortunately for me, I went through four different solicitors who were more interested in my money and gave no help.

I finally got what they call immigration bail. The immigration bail meant that I should go once a month and sign, to tell them I am still in the country. To go and sign was the whole idea. One day I went to sign and I was asked, "Could you come in for a chat?" I was cooking at home. I knew signing would take about 15 minutes. I planned to run there, sign and then get back home. I went for the chat.

The next thing I knew I was handcuffed and taken to a detention centre. At that point, I told the person who was going to take me to the detention centre, "Tomorrow is Friday. It is the school holiday. I have a daughter. I am supposed to have my daughter for a week". He was not interested. "I have received information that you should be detained". I asked him, "If you have received this information, why did you not at least tell me, or call and tell me before I came to sign?"

To cut a long story short, the most important thing is that, before you are detained, you are not given any form of warning. You are not given any form of legal advice. You do not even know whether it is going to happen.

**Michael:** You asked earlier whether there was anybody who could explain this to me. No, there was not. In detention centres, you have a personal officer, and they tell you to contact an immigration solicitor. Even the staff working there do not know what these things mean. I was asked to sign a piece of paper, and at the bottom of the paper it instructed the officer to make sure that they had explained what this piece of documentation was before I signed it. I said, "I cannot sign it, because I do not understand it". He said, "If you do not sign it I am going to put

you in a block for non-compliance". In answer to your question, no, there is nobody to tell you what this means and how long you are going to be detained.

Q52 **Chair:** Arrey, can you just explain? You went to sign in and you were detained there.

**Arrey:** Yes.

**Chair:** Had you ever been put in handcuffs before? Were you struggling? Is that why they put you in handcuffs? Were you trying to run away?

**Arrey:** Thanks for that question. It is a very good question, because that is the same problem I have been suffering with. No, would be the immediate answer. I was not struggling. I was not opposing. I was told to stretch my hands out and that I was going to be handcuffed. I asked, "Why? Have I committed a crime? Have I killed somebody?" They said, "No. You will be handcuffed". I said, "Okay". I put my hands forwards, and they said, "No, put them behind you". I said to the gentleman, "You want to lead me out. You are putting my hands behind me. It is going to inconvenience my walking. Please, I have no desire to run". Then he put the handcuffs in front of me. No, I was not trying to run. I was not being difficult or anything in any direction, no.

**Chair:** Had you moved around a lot before? Would they have had reason to think you would be likely to abscond?

**Arrey:** That is another good question. Thanks again. I had owned the property I was living in for 10 years. I bought the property through mortgage and everything. I was living in the property. After the unfortunate situation of my split-up, my daughter's mum moved out with my daughter. I had been in the same property for over 10 years. Before I was detained, I had been in the UK for 14 years. For three years before that, I was living in a property close to where I was living, and 10 years later I was living in the same property, so I had shown no signs of absconding. I had no reason to go anywhere or to even try to run, because I have a daughter in the country who is my immediate responsibility.

**Chair:** Have you seen your Home Office case files?

**Arrey:** I have seen some of them but, to be honest, not all of them, because I am still in the process of asking the Home Office to give me back all the documentation I sent to it.

**Chair:** Do you know whether they thought you were at risk of absconding? Did they tick the box on the form saying, "Arrey is at risk of absconding"?

**Arrey:** On the day of being detained, no. While I was in detention, in every single bail summary they said I was at risk of absconding. I did not

understand it, because when I was given immigration bail I did not miss any of the signings. I had not changed address. It is still a mystery to me today as to why they thought I might abscond.

**Chair:** You say that you have asked for your Home Office case file. Do you want us to ask them for it?

**Arrey:** I would really appreciate it.

**Chair:** We will ask the Home Office to send you your entire file so you can see what they said about why they were detaining you, if you want those files to be sent to you. Then, if you want, you can share them with us so we can see the reason why they thought they needed to detain you, handcuff you and take you away.

**Arrey:** Sorry for trying to interrupt. I would really appreciate getting the files, but there is another thing I am very, very sensitive about. In the files, there is information about my daughter. I am happy to come and give evidence, but my daughter should be—

**Chair:** Sure, we will get them to send the files to you, not to us.

**Arrey:** Okay.

**Chair:** We will just ask them to give you your files. If there is anything you want to tell us about them afterwards, having seen the files, you can either tell us or show us, but it is entirely up to you. We would not ask them to send them to us.

**Arrey:** I will do my best to give you all the information I know today.

**Michael:** In terms of Arrey's case and the threat of absconding, I was a peer supporter throughout my time in both detention centres, Morton Hall and Brook House. For individuals who come into the country, claim asylum at the airport and are put into detention, the reason for refusing them bail from the Home Office is that they will abscond.

Absconding is just an excuse. The Home Office wants to keep you in detention. Then they find the excuse. The excuse often is that, if they release you, you are going to abscond. It does not take a genius to work that out. If a person has just entered the country and does not know anybody in the country, where are they going to go? When we are talking about the detention estate, these are some of the tactics used for those who have never committed a crime. I was in a D-cat prison. I was going home every weekend and coming back to the prison, yet I was deemed a danger of absconding.

**Chair:** Was there more security in terms of how you were treated in detention than how you were treated in prison?

**Michael:** Detention is a high-security prison.

**Chair:** They did not let you home at weekends, whereas in prison they had.

**Michael:** Yes. Detention is a high-security prison for non-criminals. I committed a crime and I was sentenced to do my crime in a prison. The prison decided where to put me based on my offence. They decided that

my offence was in such a low category that they put me in an open prison. I went home without any guards or escort. Every Saturday I went home for up to eight hours and made my way back to the prison. I never once failed to return and I was never late. Where were they getting this absconding from? It is an excuse that they use. The whole idea is a blanket to detain people, whether it be asylum seekers, irregular stay, visa expiry or whatever. They detain these people, and one of the reasons used to justify their detention is that they will abscond.

**Q53 Ms Karen Buck:** Can we go back to the experience of being in detention? Can I ask you both about something that comes up in this context, the actual psychological impact of being detained without certainty of how long this is going on? You, Michael, had a different experience in prison. Presumably you knew how long you were going to be detained under those circumstances or had a reasonably good idea. Can you tell us what that experience was like for you? How was it different from knowing that this was going to be of a fixed term?

**Michael:** Upon my detention, if somebody had told me that they were going to detain me for five years it would have been excessive, but I would have seen an end date so that I could plan. There is a famous Freed Voices member who says, "You leave detention. Detention does not leave you". Every single one of us after our detention has some form of mental health issue.

**Ms Karen Buck:** Is that to do with the uncertainty as much as the detention process itself?

**Michael:** Detention is a mental torture. We are talking about an element in our society. Come to think about it, how long, by law, can we hold terrorist suspects for? You are talking about holding individuals with no time limit. I am sitting there, trying to speak to my family, trying to speak to my partner, and they are all asking, "When are you coming home?" Every time they ask that question, I well up. I get so angry, because I do not know what to tell them and nobody can tell me either.

**Ms Karen Buck:** Arrey, what was your experience?

**Arrey:** If we want to look at it from a psychological point of view, the unknown is always a mystery. The difficulty with being in detention with an unknown is that you feel doubly punished. First, you are chopped off from your friends, family and community. Secondly, you are prevented from the basic liberties that every human being should enjoy.

Now, talking about the uncertainty, it is one of the biggest downsides of the United Kingdom immigration situation. It is not only the uncertainty of not knowing how long you are going to be there. There is also the

uncertainty of not knowing whether you are going to be deported, removed from the country or released back into the community.

Moreover, there is also the uncertainty of not knowing where you will be at what time of day. While in immigration detention, I was ping-ponged from one detention centre to the other. I choose the word "ping-pong" because it was just like a ping-pong ball. You come; you get up in the morning; you are going for a meal; you get a call: "Get ready. You will be leaving in an hour". "Where am I going?" "You are moving to a different detention centre"; "You are moving to a different block". You have no idea what is going to happen. You may have a legal visit coming up. You are not sure about it.

On the day I was taken into detention, I kept telling myself, "It is a mistake and it is going to be corrected". I discovered that 31 days later I was saying the same thing, so at that point I knew I had to accept the reality that I was in detention, but it is part of the uncertainty that was torturing me.

**Ms Karen Buck:** How do you think other people were dealing with it in the settings you were in? Did you see the effect of this on other people you were detained with?

**Arrey:** I did, very much so. You are talking about people who had threatened to kill themselves, people who were mentally unstable. Even the person with the most powerful mental resilience goes through some form of mental torture. I can tell you of multiple examples. There was someone who got his removal directions, telling him he was going to leave, and he said, "If that is the case I am going to die here, because if you send me back they are just going to kill me". Not only does that uncertainty impact your thinking pattern and decision-making; it keeps you in the situation where hope is far-fetched.

We talk about uncertainty for hours on end. One thing is certain. A state of uncertainty is something no one wants to be in. We are sitting today in this panel because we want to know. You are asking for evidence because you want to know, because you want to make a decision based on the evidence. If we stood here and did not give you enough evidence, you would remain uncertain. It troubles you when you go back home; you are still asking, "Have I had enough evidence?" Uncertainty is a prolonged and indefinite torture. To answer your question, it is one of the biggest mental tortures.

**Ms Karen Buck:** If tagging had been an option for you at the time, how would have felt about that, had you been given that choice?

**Arrey:** I would have asked, "Why would you tag me?"

**Ms Karen Buck:** Let us leave aside for a moment the question of whether it was reasonable at all. If that choice exists for people for whom detention is an option and tagging might be an alternative, do you feel that would have been a less traumatic choice?

**Arrey:** I for one, and many other people in detention—I have had this conversation multiple times—would have accepted tagging, because in a situation of desperation you take the least you can get.

**Michael:** There are two things. Through my experience of being a peer supporter, I met hundreds of people with serious mental health issues. On a daily basis, people were self-harming. There was no help for these individuals. Their voices were not being heard. Their cries were not being heard. I totally agree with Arrey. If anyone had given me the option of tagging, I would have taken it. In my extensive conversation with those who are still detained, that is the thing. We must be clear that tagging is not an alternative. Tagging is already part of the process of this policy. Tagging does not solve the problem. You cannot put plasters on a wound and expect it to heal. You have to treat the wound.

**Ms Karen Buck:** That is a fair point. It is very specifically in the context of an alternative to detention, not whether the process is right. That is what I was seeking to get at.

**Arrey:** Calling it an alternative form of detention is quite misleading, considering the current situation. When the Home Office decides to tag somebody, it is not because that person's situation is better. It is not because they are using an alternative form of detention. They are tagging that person because they want to free a bed to detain someone else. So how is tagging helping, if I may ask?

Q54 **Chair:** It can help keep people out of detention. Which detention centres were you both in?

**Arrey:** I was moved from the Verne to Colnbrook or Heathrow IRC multiple times.

**Michael:** I was at Morton Hall and Brook House.

**Chair:** One thing that has been said about Brook House is that there was a hard group of drug-trafficking organised criminals who used to inflict fear on the people who were not like that, which was a problem with people being mixed together, making people feel vulnerable and threatened in detention. Did you feel vulnerable in detention? Did you ever fear for your safety?

**Michael:** Everyone in detention is vulnerable. Every single individual detained is vulnerable. Even the staff are vulnerable. Why do I say that? You take individuals, some of them already coming from a background of abuse and torture, and detain them further, exacerbating the mental health issues they already have. Those who do not have any mental health issues gain mental health issues.

On the issue of drugs, I can take you up and down the country, and in any prison in the country you will find drugs. Drugs are not the issue. Why are these people choosing to take drugs? It is because they want to

escape the nightmare they find themselves in. How are the drugs getting in there? We all saw the issue in the "Panorama" programme with Brook House. How many drug offences did you see on that video? We saw clear abuse of power and neglect. We did not see any drug issue there. I say this as a peer supporter.

**Chair:** They did show some people who were supposedly out of it on spice.

**Michael:** Yes.

**Chair:** In answer to your question, they were saying, "This person is falling on the floor from spice".

**Michael:** Right, that is what they were saying. I am not going to sit here and tell you there are no drugs in detention centres. There are. But this is the question: if you take the drugs out of detention centres, will it make the detention any better?

**Chair:** I was trying to ask you about a different point. You were talking about how you were in an open prison, which has a degree of trust because people are not expected to abscond or be violent. The point about the Brook House thing was that everybody was in the same place, with people who were not violent and dangerous at all being treated alongside people who really were violent and dangerous, and that that is a problem. I was putting that to you to see whether you agreed with it.

**Michael:** Detention is the problem.

**Chair:** Is it not about separating out people within the detention system? There are two things. There are some people who should not be in detention at all and would not be in detention. But then, people who are in detention should be separated up as they are in prisons. It is just a passing query.

**Michael:** Yes, sure. Also, who is making these decisions to put everybody in the same place? Who is checking to make sure that an individual who has mental health issues or is vulnerable does not end up there? Who is doing these things? Nobody is doing it. When you have a pressure cooker and you are just dumping everything in there, what do you expect to happen?

**Q55 Baroness Lawrence of Clarendon:** Michael and Arrey, you both vaguely mentioned your families. I would like to find out from you whether you were able to notify your family when you were first detained.

**Arrey:** First, before you are detained, you have no idea that you are going to be detained and you are not warned. That is not even the worst part. The worst part is that when they decide to detain you, one of the first things to be confiscated is your mobile phone. You do not have the option of informing anybody.

I came across someone in detention whose sister told him to go and pick up the kids. On his way to pick up the kids, he was stopped and detained. His mobile phone was taken away. He could not contact the sister to say, "I cannot pick up the kids". He could not contact the sister to inform her that he could not get the groceries he was supposed to get after he picked up the kids.

You also do not know how long it is going to be before you can contact anybody. But I can guarantee you that of the many people I spoke to in detention—bearing in mind I was there for nine months and I spoke to more than 10,000 detainees—nobody could confirm that after their mobile phone was taken they could contact somebody within three to four hours. Most of the people I spoke to managed to contact somebody after four hours. Your mobile phone is confiscated. Then you are put in a van and transported from one location to the next.

I have also heard of situations where people are just driven around. They take them first to Manchester and then bring them back to Heathrow. You have at least four hours before you can contact any one of your family, friends or community to inform them you are in detention, and that is if you are lucky enough to have enough credit on the new mobile phone that has been given to you. Your mobile phone is taken away from you.

You are lucky if the person who processes you is slow, because they give you your mobile phone and say, "Okay, take the contacts out of your phone because you are going to transfer them to a basic phone". During the process of you trying to take the contacts from your phone and transfer to the basic phone that has been given to you, you are still going through some questions that you have to answer, and you still have to sign documents. When I went through the process, I did not manage to take any numbers. I only knew my daughter's number because I have it in my head. Straightaway, when I got the opportunity, I called, and it was my daughter I told first that I was in detention, before she could tell her mum that I could not pick her up the next day.

**Michael:** For me personally, one of the privileges I have is that I grew up here and have so many friends and family here, so I was able to contact my family. But I did not know what to tell them, because I did not understand what I was going through. I contacted them and said, "By the way, I am not being released tomorrow. Immigration is holding me", and I could not answer their questions. Through peer support, I came into contact with many, many people who were coming to the country for the first time. In some cases, it took individuals weeks, if not months, before they could contact their family and tell them where they were or what was happening to them. I would go so far as to say that the whole system is somewhat deliberately separating families.

I have been in contact with individuals who were in one detention centre at Heathrow, where it was easier for their families living in London to visit

them. They were then moved to Morton Hall and then Scotland, making it very, very hard to keep regular contact with their families by visit. One individual, a few months after he left Morton Hall, where I encountered him, sent me a text message saying, "Call me". I called him and he said, "Do you know that they refused my application? They are saying that since I have been detained no family member has visited me, so I do not have any family ties". There is something sinister. This hostile environment is deliberately separating families. Detention is designed to cut the ties between you, your family and the community you belong in.

**Baroness Lawrence of Clarendon:** When you were first speaking, you were talking about the organisation that you belong to, and you are there to support other individuals. How did that start? How did you get that group together in order to be in a position to support those individuals?

**Michael:** I was released from detention in 2014. During my time in detention, I used to refer a lot of people to Detention Action and visiting groups. I found that, when I went to speak to individuals on suicide watch, their most common complaint was that this whole country was against them. Referring them and letting a complete stranger go in there to sit with them for an hour or two and talk to them had a huge impact on these people's lives. I referred a lot of people to these groups.

When I was released, I was contacted by a gentleman from Detention Action who proposed the idea of what he wanted to do. I was very, very much on board, because part of what I regularly do is to try to create a safer space for the guys to share their problems and how we can help and advise each other. Once you are released from detention, that is it. Whether you have mental issues or not, nobody cares, so we only have ourselves to build this support and try to help each other. Detention Action is the organisation. There are many NGOs out there that give us this support and platform to help each other.

**Chair:** Were your phones returned at the end of your detention? They were just given back to you, were they?

**Arrey:** Yes. We know how smartphones are and every other thing. If you are lucky, you have a modern smartphone that is still working after nine months when you switch it on. If you are unfortunate, the battery is dead. You cannot even access the data you had in your old phone. Yes, it is returned.

**Michael:** Not in all cases.

**Baroness Lawrence of Clarendon:** It is not only that. If you have not been paying your monthly bills, your phone is cut off anyway.

**Arrey:** That is when you are talking about the contract between you and the mobile provider. I am talking here about your phone being dead and completely black. You cannot switch it on or anything in that direction. I have also heard of situations where people who have been

deported or removed from the country did not have a chance to get their phones because they were initially booked in one detention centre, transported to another, and their phones were forgotten. They were removed before their phones could be taken back to them, or that is normally what they say. As to how they tried to take the phone back to them, I do not know.

**Michael:** In addition, I am still fighting with G4S about my lost property. We also have another Freed Voices member who upon his detention had parked his car because he had been going to sign on. They detained him. Because they held him in detention for so long, his car got towed away and now he is left with bills to pay because his road tax had run out.

Q56 **Lord Woolf:** How long was each of you in detention?

**Arrey:** I was in detention for nine consecutive months.

**Lord Woolf:** How long had you been in this country?

**Arrey:** I came to the country in 2003.

**Lord Woolf:** You were detained in 2017.

**Arrey:** That is correct.

**Lord Woolf:** In your case, Michael, for how long were you detained?

**Michael:** I was detained for nearly 30 months. I came to the UK at the age of 12 in 1997. I am not good at maths, but I have been in the UK for 22 years now.

**Lord Woolf:** Did you leave the country at all?

**Michael:** I have never been able to leave the country since I came here.

**Lord Woolf:** When you were in detention, were you ever told about how you could get legal advice?

**Michael:** One thing that I find a privilege is being able to read. I worked in a library. I was a peer supporter. I worked in reception. When you are in detention, you are forced to become an immigration lawyer yourself. I went through half my bail summaries on my own without any legal help because they were completely, utterly rubbish.

**Lord Woolf:** When you go for bail, who do you go before? Who considers the bail application?

**Michael:** I submit the application to the local First-tier Tribunal, and then usually I get a date. The Home Office then sends me the bail summary. I will tell you one thing. I went for bail on so many occasions. The first three times I went on bail, I used a solicitor. Every time I went to the courtroom, the Home Office told the judge that I was failing to comply with removal procedures, I did not have a case and so forth. I asked my solicitor, "Why do you not get my documents from the Home Office?" "Do not worry. I have everything under control". After the third time I said, "No more". I submitted a subject access request to the Home

Office to release my documents to me. I did this only after countless nights reading books in the library. They did not refuse the request; they just ignored it. I then asked my ex-partner to complain to her MP in Northamptonshire.

Once the complaint went in, within three days I had my bundle. With that bundle, I was able to go back to the court and prove to the judge that it was the Home Office that was frustrating matters. I had written to the Home Office on numerous occasions, asking them to take me to the Ghanaian embassy for an interview. I left Ghana when I was four years old. My family lived in Nigeria and Ivory Coast before I came to the UK. I do not know a single soul in the country that I was born in.

**Lord Woolf:** Where were you going to be deported to, if you were deported?

**Michael:** Ghana, the same country. You might as well send me to Mars. This is not an isolated case.

**Lord Woolf:** No, but we want to deal with your cases for the moment to illustrate what happens.

**Michael:** Sure.

**Lord Woolf:** I will ask Arrey the same questions I asked you. You found out for yourself what your rights were, in so far as you could find them out and in so far as you had any rights. Arrey, is your position very similar to that of Michael?

**Arrey:** Yes, very much so. When I discovered I had immigration irregularities, I initially tried to pay four different solicitors to help me with my situation and regularise my state. I discovered that, thousands of pounds afterwards, nothing was done. One of the solicitors recommended something I could not do, and I only discovered afterwards. The solicitor had filed documentation saying that my daughter was going to sponsor me, which made no sense to me. She was not even 10 at the time.

To answer your question, after four attempts at hiring a solicitor to get me out of the trouble I was in, I discovered the best way forward was to learn things myself, so I started learning by doing. Being detained at an immigration centre, you are fortunate enough—I will not use the word “fortunate” about detention any more after this—to meet people who have experienced similar things. You talk to people, and you try to find out information. The IRCs always say, “We have duty solicitors who come and dish out legal advice”. That is not completely accurate, because if you find yourself in front of one of those duty solicitors, the first thing they try to do is to assess your financial situation to see either that you can pay them or that you are eligible for legal aid. If your case is not an asylum case, you do not qualify for legal aid, as it is nowadays, so they want to know if you can pay them. If you cannot pay them, it is goodbye.

You spend 30 minutes, if you are lucky; “30 minutes” is what the document says. No. The first time I saw a legal aid solicitor or duty

solicitor it lasted five to 10 minutes. I was asked about my situation. My situation came under Article 8. "Oh, sorry, that means there is no legal aid. Can you pay us?" "No, I do not have the financial support to pay you". "Okay, next". That is how it goes.

That is not even the worst part. You have duty solicitors. They will tell you that there are five duty solicitors coming to a particular IRC. Of these five duty solicitors, you might be lucky enough to see two come in on a regular basis. A regular basis is once or twice a week, if you are lucky. They come, they see 10 detainees. Take the Colnbrook IRC at Heathrow. You have 300 detainees. A duty solicitor comes twice a week and sees 10 people. If you are lucky, two come. Say just one comes twice a week. Ten detainees times two is 20 a week. If you multiply 20 by four weeks in a month, that is 80 people. You detain 300 people. There is only a possibility of 80 people being seen in a month. What is the probability that all 300 are going to get legal help? It drops down to a very low probability. So, no, the whole idea of legal help to detainees is just a camouflage.

**Lord Woolf:** Yes. At the time you were detained initially, were you working?

**Arrey:** Yes, I was working before I was detained. I was working for Vodafone at the time, at Vodafone HQ in Newbury.

**Lord Woolf:** From a practical point of view, you had no means of getting legal aid.

**Arrey:** That is right. First, I had a property. I bought a property in the country. Before I was detained, I was financially okay, but throughout the whole process of detention I missed out on my mortgage payments because I could not pay them, and I lost my property. I still owe the bank money. The logic of that is a story for another day. I do not understand how I can owe the bank money when I left a £300,000 property with less than £100,000 to pay off. I went into detention for nine months and now I owe them £56,000. How is that possible? I do not know, but let us not focus on that.

Secondly, my case was about human rights, so I could not get legal aid. It was only after the situation in Cameroon became really bad that I claimed asylum, because that meant they could not send me back to Cameroon. That was my only chance. I was given Duncan Lewis as a legal aid solicitor. For the whole period I was in detention until I was released, Duncan Lewis did not manage to attend even one of my bail hearings, because they did not have the manpower.

Duncan Lewis is a big firm. I am grateful for what they do, but very often when they come into detention centres, do their normal process and accept people for legal aid, they outsource this to small firms because they do not have the manpower to handle all these cases. You have solicitors who are willing to help, but their caseload is so massive they

cannot dedicate the time to help people. Not only do you not get the proper legal advice you should get while in detention but, if you manage to get a legal aid solicitor, it is close to impossible to get one who can focus on your case because their case load is too massive.

**Q57 Lord Trimble:** I want to talk about the detention centre itself, but before I get to that, Michael, you said that when you were in prison you were able to go home at the weekends to spend significant time with family. Was that the case the whole way through your sentence? When did they decide that it was safe to let you go home?

**Michael:** After I entered prison, the first six weeks were the assessment period, where they assessed me and then decided to put me in a category D prison. I left the holding prison to go to an open prison. My sentence was due to be finished on 7 October 2012. The day before I was meant to be released from prison, which was 6 October 2012, I was given a letter saying that I would not be going home and I was going to be detained under immigration powers. On the 8th, I was moved from the category D prison to a category A prison, because I automatically became dangerous and likely to abscond. But where was the evidence?

**Lord Trimble:** When you were detained, did you tell the authorities in prison that you had been able to go home at the weekends, and that every time you went home you came back to the prison? Did you tell them that? What was your reaction?

**Michael:** Yes, of course. They had my records, which followed me from one prison to the next prison. Everything was there, but I was no longer a prisoner. I was there by immigration powers. I was no longer a prisoner, so the prison could not treat me as a prisoner. They could not allocate me to a D-cat prison, because I was no longer a prisoner.

**Lord Trimble:** That is rather Kafkaesque. Looking at the detention centre itself, could you describe to us what the centre is like? Did you have any freedom of movement within it or were there any opportunities for education or recreation? What was it like there?

**Michael:** I will tell you my experience of the detention centre. When I arrived at Morton Hall, I did what I wanted to do. First and foremost, I was trained by the Samaritans while I was doing my prison sentence. I was a listener. I tried to absorb myself in doing something. When I went to detention, I carried on with these things. On the third day in detention, I decided I wanted to play dominoes. In Morton Hall, they have different ethnic groups in different wings. The logic is that if there are Pakistanis, for instance, who do not speak English, there might be one among them who would speak English and be able to help.

I went to the Sharman wing, where the Jamaicans were playing dominoes. I tried to join in. The minute I opened my mouth, they said, "You are the English boy. Get out". I went to the African section and they said, "Where were you born?" "I was born in Ghana. I am African". "You speak like an English. Get out". I became more and more isolated. Yes, there is a gym in the detention centre. In Morton Hall, because of the facilities and where it is, you have a little bit of space to walk around during open hours. But you could make this place a five-star hotel; it still would not change the fact that it is a torture chamber. It still would not change this policy. To date, 34 or 35 people have killed themselves in a detention centre. We can make it a five-star hotel. It does not change the fact that this policy is ineffective.

**Lord Trimble:** I take that point entirely, but I am trying to get a picture of the quality of the accommodation and whether you were treated in a civilised manner.

**Arrey:** One of the first things I noticed in a detention centre was that the whole idea of human rights was out of the window. Your basic human rights were ignored; that would be the immediate word. Talking about fresh air, I was taken to Colnbrook, and the whole time in Colnbrook there was never fresh air. Why was there never fresh air? Yes, I was lucky enough to look up and see the sky if I went out of the building, but there were blocks around the building, so you did not get air flowing. Moreover, you have nets over the building. There is no direct connection with the sky because there is a net over your head and you have four walls blocking. At the Verne, it was a bit different, because it was an isolated island on its own and you could walk around, or move from one building to the next if you had other activities to do.

When it comes to looking at people as human beings, the different centres do their best to forget that, probably because of the hostile environment promised by Theresa May when she was Home Secretary, which was further explained by Amber Rudd when she said she would make things harsher for detainees or for illegal immigrants, so they would have no choice but to leave the country. That is probably why the detention centres decide to do that.

If we are sitting in the Human Rights Committee, the least I would like to beg to come out of this Committee, the very minimum, would be to put human conditions in the different detention centres and, please, a time limit. Experts have proven that if you are detained for more than 28 days, the damage is irreparable. If you put a limit on detention of less than 28 days, in cases where you are released back in the community that would help the NHS in trying to repair that damage.

**Lord Woolf:** If you were to be removed, you were going to be removed to Cameroon.

**Arrey:** They would have removed me to Cameroon. That was the idea.

**Michael:** For me, it would have been Ghana.

Q58 **Chair:** Can I ask about your perception of the fairness, or otherwise, of the process by which you became detained? When you were convicted for the offence you were convicted of, which court were you in front of? Was it a magistrates' court or the Crown Court with a jury?

**Michael:** I was at Crown Court. There was no jury, because I pleaded guilty.

**Chair:** You did not have a trial.

**Michael:** No.

**Chair:** I was going to ask you whether you felt there was any fairness in the decision to detain you. Was there an opportunity to give evidence, an opportunity in advance to be represented? What is your view about whether it is a fair process? Who made the decision? What evidence was it? Did you feel that you had a fair crack of the whip to put your views in and get a fair hearing?

**Arrey:** The Home Office played judge and jury in the whole detention process. If you are going to go through any process, there should be a legal proceeding to decide whether you should be detained. That is a recommendation that should be taken out of this. But there is no such thing. Some caseworker sits in their office and decides to say, "Detain this individual". While I was in Colnbrook, we overheard one of the people running the detention centre speaking to immigration officers, and it became evident that, if possible, the caseworkers would hardly ever come face to face with a detainee. They are given targets of how many people to remove within a given period of time. This begs the question: do you know the number of illegal immigrants in the country? If the answer is no, how can you give a target for the number of people to remove?

That is not even the worst part. These targets were incentivised. You are given incentives to remove people. The Home Office goes out of its way to get people in detention centres. They claim that politicians want people out of the country. They have targets; they have to remove people. Is there any legal process as to how someone should be detained? There is none. Is the Home Office asked to be accountable for deciding to detain somebody? No. You are lucky if the Home Office lets your case go to court. I was in detention for nine months.

One of the things the Home Office successfully did was to prevent my case from going to court, because I knew the day I walked in to the court I would win my case, as was the case. It did not take more than two hours for the judge to decide that I am permitted to remain in the country, but they spent nine months preventing this from happening. It is not only that you are not going to get an opportunity to go and represent

yourself in a legal court. They try everything in their power to prevent you from getting there.

**Chair:** Michael, what did you think about the process by which it was decided that you should be detained, prior to your planned deportation, rather than being about to go home and report in?

**Michael:** It is Catch-22. What I mean by that is this. After my father abandoned me and my siblings in the UK, I quit school to work in a market, to look after my little siblings, for over a year before social services came in and took my siblings. Unfortunately for me, by the time this happened, I was already over the age of 16, so I was told to go to support accommodation, to go to the council, and the council would look after me.

I am not going to lie to you; I was happy that at least my younger siblings were being looked after. I went to these people. For the first time in my life, I was asked, "Where is your passport or your birth certificate?" I did not know. My issues began then. I ran away from London at the age of 19. I grew up in Hackney, a very violent gang place at the time. I ran away from that life to go to Northampton.

I am not going to sit here and make it look like I liked what I did, but when I lived in Northampton I used somebody else's ID to work and pay tax. I knew this was a lesser evil. What was the option? When I was arrested, why would I have let this case go to trial? I pleaded guilty because what I did was wrong. But the issue is the unfairness.

**Chair:** The question is whether you felt the decision to detain you prior to the intention to deport you was fair, allowed you to have your say, and was an independent-minded decision, or whether the Home Office was judge and jury, as Arrey said. What did you feel about the process by which the decision was made?

**Michael:** Arrey is absolutely, 100% right. The Home Office plays judge and jury. In my case, an individual made a choice that I should be detained and deported. Let me ask you this. For the 13 months that I was detained, what was the purpose of my detention? I have been sectioned in mental health institutions since I came out of detention. Over 51% of the individuals detained in the UK are released back into the community. In my personal case, and those of all the other individuals who are detained, what purpose did detention serve? I am not going to talk about the waste of money and my mental health, but what purpose did it serve? Should that decision not have gone in front of a panel of some sort to weigh up the evidence as to whether to detain me?

Q59 **Baroness Hamwee:** Can I just take you back to when you pleaded guilty to the criminal charge? Did you have legal advice at that point?

**Michael:** Yes, but I did not need it.

**Baroness Hamwee:** No, I know you are saying that you were guilty so you pleaded guilty. I wondered about that, because presumably you had no legal advice about the possible immigration consequences of your pleading guilty and being imprisoned. I assume you had no advice on that.

**Michael:** No, not at all.

**Chair:** Michael and Arrey, you have given us a very graphic account, from a detainee's point of view, of how the decisions were made and the impact they had on you, particularly the effect of an indeterminate period, the lack of contact with your family and the lack of independence in the decision-making process. You have helped us understand a bit more what you have experienced. We are very grateful to you for coming to help with our inquiry. We will give full consideration to it and consider it along with all the other evidence.

We will be writing a report and we will send you a copy of the report so you can see what you have helped us with. We will also write to the Home Secretary to say that you have done a good public service in coming and giving us the benefit of the information by giving evidence to us, and that you want to see your case files. Then they will be sent to your legal representatives or to you direct.

**Lord Woolf:** Michael, what is your status now?

**Michael:** I am in limbo. In 2006, I won my case at the First-tier Tribunal. The Home Office appealed the judge's decision, based on the fact that the judge did not consider my criminal history.

**Lord Woolf:** What about you, Arrey?

**Arrey:** I am a legal alien. My situation has been regularised.

**Chair:** You have been here since you were 12, Michael. It seems a bit odd to send you back to somewhere you left when you were four. No doubt your lawyers will be working on that for you.

**Arrey:** I wish the Home Office would understand that.

**Chair:** Thank you very much indeed for coming.

**Michael:** Can I ask a question before you set off? This is a question in general from other members of Freed Voices and the 28 individuals we spoke to in detention prior to coming here today. This is their question: where is this going? We have had countless reports—report after report after report—but in their situation we need a real alternative to detention. Are you in a position not just to recommend but to make sure that an alternative to detention is at least piloted?

**Chair:** We are in a position to hear all the evidence, to write a report, to make recommendations in the report and then to take those recommendations into the House of Commons and the House of Lords by way of amendments to legislation. When the Government are bringing a Bill in—they are going to bring in the immigration Bill next year—we say, “We have some ideas for this Bill. They are based on the evidence we have heard, which formed our report, and they are in our recommendations”.

At that point, we can put those recommendations to the House of Commons and the House of Lords, and they get voted on. Basically, it feeds into a process of decision-making. The question is whether other people in the House of Commons or the House of Lords will agree, and what position the Government take. You have helped to shine a light on that. It has a pathway. What is at the end of the pathway we do not know, but this is an important process that we enter into in good faith to hold the authorities to account. Thank you very much indeed.