

(CHA0034)

Written evidence submitted by the Gatwick Detainees Welfare Group
(CHA0034)

1. Gatwick Detention Welfare Group (GDWG) was set up in 1995 and primarily works to improve the welfare and well-being of people held in detention, by offering friendship and support and advocating for fair treatment. GDWG has approximately 70 volunteers, who visit and assist people held in immigration detention at Brook House and Tinsley House.
2. We offer both practical and emotional support to people held in immigration detention. We seek to advocate on behalf of particularly vulnerable detainees. Each year we work with over 1,000 people in Brook House and Tinsley House IRCs. Staff listen, give practical advice and when appropriate refer detainees to external specialist organisations. Other aspects of GDWG's service include helping people in detention to maintain contact with families and others in the community.
3. In addition to this core work, we carry out investigations and research on the issues we identify from working directly with people in detention. In recent years we have authored several reports, including *Cutting Justice*¹, which considered the impact of legal aid cuts on those detained, and – most recently – *Don't Dump Me In A Foreign Land*², which concerns those who arrive in the UK as children and go on to be detained.
4. As part of the Detention Forum³ network and through our own Refugee Tales⁴ project, we also work to draw public attention to issues surrounding immigration detention, and for judicial oversight of both decisions to detain and also to maintain detention.
5. GDWG understand that this call for evidence focuses on channel crossings, migration and asylum-seeking routes through the EU. We will set out the experience of GDWG and its clients on these issues.

¹ <https://www.gdwg.org.uk/app/uploads/2018/04/cuttingjustice.pdf>

² <https://www.gdwg.org.uk/app/uploads/2018/04/youngarrivers-online-1.pdf>

³ <https://detentionforum.org.uk/>

⁴ <http://www.refugeetales.org/>

6. Over August and September 2020, the majority of the men we have been supporting in Brook House IRC have been detained for removal to Europe under the Dublin Regulations. Last year we also supported hundreds of men who were detained on arrival in the UK after making the journey across the channel.
7. Most of the men arrived in the UK during the Covid-19 pandemic and were detained briefly in Short Term Holding Facilities on arrival, before being transferred to temporary hotels. When they first arrived, they were given paperwork in English that explained they were liable for detention. However, after weeks or months in hotels and limited further contact with the Home Office, they believed their future was in the UK. When they were picked up to be brought to detention from their hotel rooms, they were shocked and afraid. They were not aware that the UK was planning to detain them and remove them from the country. Case Study A is one example of what our clients have reported to GDWG.

Case Study A

8. *A left his home country when he was [under 18] because he was involved in activities against the regime and got exposed to the authorities. A person he was working with was arrested and knew he would be imprisoned and tortured, so he escaped as soon as possible. He left to stay in a different city, authorities came to raid his family home, they questioned his family and A decided to leave the country.*
9. *First of all he claimed asylum in [country A], but after just under two years his asylum was refused. He decided to travel to [country B], where he lived for 11 months before he was removed to [country A]. He decided to appeal his case in [country A], but it was refused again just over a year later. A was forced to leave again to avoid return to his home country, he went to [country C] and claimed asylum. Again, after only four months they told him they would return him to [country A]. Then he decided to come to the UK this year as his last hope, he travelled by boat across the channel.*
10. *A was placed in a temporary hotel and given asylum support. He did not receive a letter from the Home Office to tell him his asylum claim was refused, and they would return*

him to Europe. However, one day immigration came, and he described to us that they raided his room, leaving him shocked and shaken, and then they detained him.

11. *In immigration detention A's mental health was negatively impacted to such an extent that he self-harmed. A was told he would be sent back to [country B], despite having been unable to claim asylum there previously. When he was detained it was discovered that the Home Office had not yet obtained permission from any country to return him, therefore he was released.*

12. GDWG has observed ongoing and alarming issues with the current Detention Duty Advice (DDA) scheme at Brook House and Tinsley House immigration removal centres over the last two years. Our clients report a lack of communication from solicitors, firms meet the client and tell them that they will let them know if they are able to take on their case or not. However, often clients do not hear back and are left waiting for weeks. We regularly call firms on behalf of clients requesting this information. In other cases, clients are not even aware of which firm they were seen by and therefore cannot follow up – especially when their English is limited.

13. There is also an ongoing issue with capacity amongst some of the DDA firms, which has been heightened by the recent charter flights to Europe resulting in a lot of people needing urgent legal representation. Some of our clients have been unable to find legal representation in the short time they are detained before removal.

Reasons behind the increase in irregular or illegal channel crossings, including economic and political drivers

14. As the number of lorries crossing the channel decreased and air travel was drastically reduced due to Covid-19 restrictions, the number of people seeking asylum using boats to cross the channel increased. This was the only method still viable for many people. The movement of people has changed and become more visible, however, the numbers of people claiming asylum in the UK has not increased overall.

15. In fact, during the Covid-19 pandemic the amount of people claiming asylum has fallen, thought to be due to international restrictions on travel. In the first three months of 2020,

January to March, 8,455 applications for asylum were received. However, this fell by nearly half between April to June, with only 4,850 asylum applications.⁵

16. It is possible that stricter border control has pushed people seeking asylum to attempt this new route. As well as poor conditions in France with refugee camps being destroyed by authorities in Northern France.
17. GDWG clients have also told us horrific accounts of violent smugglers who have forced them on a boat with a gun to their head and of being beaten and tortured by smugglers. Smugglers are using violent tactics to control migrants and a lack of alternative routes to the UK is making migrants more vulnerable and more likely to attempt a route using smugglers.
18. When people seeking asylum are returned to France they are at risk of being mistreated by migrant smugglers and becoming victims of modern slavery, as displayed in Case Study B.

Case Study B

19. *B came into the UK in September 2019, he had previously come to the UK by boat earlier in the year but was removed to France. Despite this he had not had his fingerprints entered into the EURODAC database in France.*
20. *When he was removed to France he was homeless and destitute. He was left at the airport with nowhere to go. He had no means of communication as he did not have a phone. Migrant smugglers found him and took him to a house where they held him hostage. B was raped, tortured and forced to work for them. After forty days they allowed him to leave and he made his way to the UK again by boat.*
21. *When B arrived in the UK he was detained at [an Immigration Removal Centre], where we met him.*

⁵ <https://www.theguardian.com/uk-news/2020/aug/27/asylum-applications-to-uk-down-by-half-in-second-quarter-of-2020>

Future arrangements for safe, legal routes for family reunion and claiming asylum in the UK, and the effectiveness of current Government initiatives to re-unite families

22. All of the testimonies we hear from our clients suggest that people will continue to make the perilous crossing across the Channel despite their lives being at risk. The way to curb these crossings is not to illegally ‘push back’ the boats or increase patrols on the channel. We have seen that this does not stop people from attempting to enter the UK, in the similar way building a fence in Calais did nothing to stop people from entering via lorry.
23. The only way to stop people seeking asylum from risking their lives to enter the UK is to create safe and legal ways for them to apply for asylum here. Currently the only legal route is through government run resettlement schemes but this is only available for a small minority of people who need to claim asylum. The main resettlement scheme has been put on hold during the Covid-19 pandemic and worryingly there has not been any suggestion from the UK Government that it will be restarted soon.
24. France receives three times the amount of asylum applications than the UK. In 2019, Germany registered 142,450 applications for asylum, France 119,915 and Greece 74,905, according to the European Asylum Support Office.⁶ The UK recorded only 44,250 asylum requests in 2019.
25. Most of GDWG’s clients who have travelled to the UK by boat have come here because; they have experienced hardship in other EU countries, they have family here, they speak English or they have been refused asylum in another EU country and fear being returned to their home country where they face death. In these cases the UK is their last hope of safety.

Case Study C

⁶ https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

26. *C is from Afghanistan and had to leave due to issues with the Taliban. Over [more than 10] years he had entered the UK to claim asylum [multiple] times. He had been returned to France, Afghanistan and Greece over this time.*
27. *France had previously refused his asylum claim and he was homeless for a period while living there. When he was last returned there in 2019, he faced homelessness and destitution once again. In 2020 he made his [latest] journey to the UK, this time by boat.*
28. *His [two relatives] live in the UK and they are willing for him to live with them. However, because they are not his immediate family, under current UK asylum reunion laws he cannot apply to be reunited with them.*

Case Study D

29. *D left his home country [over 10 years ago] because he converted to Christianity from Islam and this is illegal there. [Two years later] he claimed asylum in Germany, but his claim was refused and he was returned to his home country [after a further two years]. On arrival he was imprisoned by authorities. After four years he managed to get released from prison, then he escaped back to Germany.*
30. *Despite his imprisonment, Germany once again refused his asylum claim. D knew that if he stayed in Germany he would be deported again. This time if he is returned to his home country he will face death. D felt that he had no option but to leave Germany and try to seek protection from the UK as his last chance.*

Conditions in migrant camps in France and other states such as Italy and Greece

31. According to Government immigration statistics in 2019 there were 263 transfers out of the UK under the Dublin Regulation, 40% were transfers to Germany and 20% were transfers to France.⁷

⁷ <https://www.gov.uk/government/publications/immigration-statistics-year-ending-june-2020/how-many-people-do-we-grant-asylum-or-protection-to>

32. Covid-19 has exacerbated poor conditions in Spain, France, Italy and Greece for people seeking asylum. GDWG clients report being destitute and homeless after recent returns in August and September 2020 to Spain and France.

33. A number of our clients told us that when they arrived in Spain during the pandemic they were released at the airport after their asylum interview with nowhere to go. They were told to go to a charity for accommodation but when they arrived, they were informed that there was no space for them. This resulted in the men living on the streets of Madrid before making their way to France.

Case Study E

34. *E had to leave Yemen because Houthi rebels threatened him, took everything he had and wanted to imprison him or kill him if he would not fight with them. He escaped Yemen and travelled to Spain via [a non-European country].*

35. *When he arrived in Spain, he had an asylum interview at the airport, he was then asked to leave the airport with no support at all and go to a charity which would give him somewhere to live. However, this charity said they could not house him as there were no vacant beds, they told him it could take three to four months to find him somewhere to stay. He was left to fend for himself with no money and nowhere to live. E was shocked by his treatment and recalled speaking to many refugees in Madrid who were living on the street. Whilst he was homeless in Spain, he was tracked down by smugglers who accused him of owing them money and tortured him.*

36. *To avoid homelessness in Spain he travelled to [another European country] as his immediate family member lives there, however [that country] refused his asylum claim due to his fingerprints in Spain. He did not want to stay [there] illegally, so he borrowed money to get to the UK. E told us that he would prefer to be sent back to Yemen to be killed than be returned to Spain, after what he went through there.*

37. In France conditions for people seeking asylum have been inadequate for many years, with a large number of migrants living on the streets of Northern France.

38. The European Court of Human Rights (ECHR) has ruled several times against France on its treatment of people seeking asylum, the court has found France to be in breach

of the European Convention of human rights forbidding inhuman or degrading treatment. In June 2020 the ECHR ordered France to pay fines to three people seeking asylum from Iran, Afghanistan and Russia as they had been victims of degrading treatment. It was found that France had violated their rights by allowing them to live on the streets for months with no way of meeting their basic needs.⁸ Our clients tell us this is commonplace in France, with many people seeking asylum living on the street or in tents.

39. Police brutality is also a huge issue in France, with French authorities continuously destroying make-shift refugee camps and beating refugees. Human Rights Watch 2017 report *Like Living in Hell: Police Abuses Against Child and Adult Migrants in Calais*, found that the police routinely used pepper spray on children and adults who were sleeping, on peoples belongings and food in order to get them to leave an area.⁹

40. In the 2019 report by Amnesty International, *Targeting solidarity: Criminalization and harassment of people defending migrant and refugee rights in northern France*, it was found that even NGO's supporting refugees in northern France were being targeted by police.¹⁰

41. Just last week on September 10th 2020 the French Interior Minister issued an order to forbid the distribution of meals to migrants by NGO's in the city centre of Calais.¹¹ Calais is the only city in French where this has been made illegal, this appears to be a further act of aggression towards the people seeking asylum in Calais.

42. GDWG clients have also spoken about racism and anti-migrant feeling in Germany amongst citizens and authorities. They have faced issues when reporting crimes to the police, one man stated that the police had simply told him they did not understand what he was saying, despite him speaking in German. Another client told GDWG that a

⁸ <https://www.aljazeera.com/news/2020/07/eu-court-faults-france-asylum-seekers-sleeping-rough-200702112426889.html>

⁹ <https://www.hrw.org/report/2017/07/26/living-hell/police-abuses-against-child-and-adult-migrants-calais>

¹⁰ <https://www.amnesty.org/download/Documents/EUR2103562019ENGLISH.PDF>

¹¹ <https://www.nordlittoral.fr/94293/article/2020-09-10/l-etat-prend-un-arrete-pour-mettre-fin-aux-distributions-de-repas-aux-migrants>

police officer told him that “refugees had destroyed Germany” and asked him why he wouldn’t go back to his own country.

43. Conditions in Greece are known to be extremely poor for people seeking asylum. In 2011 removals to Greece under the Dublin III Regulations were suspended after the landmark case of *MSS v Belgium and Greece*¹² concluded that conditions in Greece were inadequate and a return there would amount to a human right breach. Recent events of a fire in the extremely overcrowded Moria refugee camp in Lesbos has left thousands homeless and without food.¹³

44. Earlier this year it was also discovered that Greek authorities have been illegally putting adults and children seeking asylum into boats and pushing them back to Turkey.¹⁴

45. We have supported men who have been returned from the UK to another European state more than once, but each time they faced homelessness and destitution or their safety was at risk. They felt they had no other option but to try to get to the UK again.

Care provided for unaccompanied children arriving in the UK

46. In August 2020 Kent Council announced that it had reached capacity and could not take care of any more unaccompanied asylum-seeking children. The Home Office decided unaccompanied children would instead be kept in the Kent Intake Unit, a Short Term Holding Facility (STHF).¹⁵ It is extremely concerning that unaccompanied children are being held in Kent Intake Unit, STHFs were inspected for the first earlier this year and there was found to be inadequate Home Office oversight of STHFs. Amongst other issues the inspectors found that it was not documented how many children were detained, children were routinely handcuffed, child welfare plans were not completed, and children were kept in the same room as adults.¹⁶

¹² <https://www.asylumlawdatabase.eu/en/content/ecthr-mss-v-belgium-and-greece-gc-application-no-3069609>

¹³ <https://www.aljazeera.com/news/2020/09/thousands-refugees-sleep-rough-food-moria-fire-200910085353994.html>

¹⁴ <https://www.hrw.org/news/2020/07/16/greece-investigate-pushbacks-collective-expulsions>

¹⁵ https://www.huffingtonpost.co.uk/entry/channel-migrants-asylum-children-kent_uk_5f43bc24c5b6763e5dc5e7a9

¹⁶ <https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2020/06/Border->

47. Our clients have also revealed inadequate conditions in the Kent Intake Unit. They have described it as dirty and unhygienic. We have been told there are no shower facilities and many people are kept in a small room. Despite there being no beds, people report being kept there overnight and having to sleep on the floor in a room full of people.

Conclusion

48. In conclusion, the rise in channel crossings is largely a result of Covid-19 travel restrictions and increasingly dire conditions for people seeking asylum in Northern France. Police brutality and targeting of migrants and the NGO's that support them has made it more difficult to stay.

49. Conditions for people seeking asylum across Europe have been negatively impacted by Covid-19. In the Southern European states such as Spain, Italy and Greece, conditions have become increasingly worse with a high number of people seeking asylum there and a lack of capacity to support them.

50. Our clients wish to seek asylum in the UK for a number of reasons such as; having family here, speaking English, their safety is at risk in another EU country or their asylum claim has been unsuccessful elsewhere.

51. The only way to prevent channel crossings is to open up safe and legal routes to claim asylum, so it is not necessary for people seeking asylum to be on British soil to apply for asylum here. Without this mechanism in place, people who need our protection will continue to risk their lives to get to the UK. This empowers the violent smugglers operating the channel crossings, it directly gives them business by pushing more vulnerable migrants into using them.

52. It is extremely concerning that children are being detained in STHFs that are not designed for overnight stays and do not have adequate facilities. Especially after the damning inspection report of such facilities earlier this year, it is clear that these are not suitable places for children to be held.

[Force-STHF-web-2020-1.pdf](#)

September 2020