

**Written evidence submitted by the Independent Monitoring Boards (IMBs)
(CHA0052)**

Introduction

1. Independent Monitoring Boards are an important part of the independent oversight of prisons and immigration detention facilities; they are appointed by ministers under the Prison Act 1952 and for immigration detention, under the Immigration and Asylum Act 1999.
2. IMB members are a regular presence in the immigration detention estate, visiting immigration removal centres and short-term holding rooms at ports and airports to monitor the treatment and conditions of detainees; they regularly report what they find to those running the establishment, and deal with queries and concerns from people held there. They are unpaid but have statutory powers that grant them unrestricted access.

Summary

3. The surge in migrants crossing the Channel in recent months has had a significant impact on some immigration removal centres (IRCs) and short-term holding facilities (STHFs) in the immigration detention estate (IDE). In August 2020, in order to remove those who had entered the UK via Channel crossings, the Home Office commenced a concentrated programme of removal flights.
4. People arriving on boats at Dover are initially assessed in short-term holding facilities at the port. Some asylum seekers are released directly from the Kent Intake Unit (KIU) and granted temporary admission while others (single men) are transported to Yarl's Wood IRC for further assessment. Some are then released into the community; others are taken to the IRC at Brook House, with a view to removing them via charter flights.
5. As will be seen in this evidence, these circumstances, and the concentrated nature of the charter flights, have resulted in a sharp increase in the number and vulnerability of detainees across parts of the IDE.
6. All four IMBs monitoring conditions and treatment at these sites (Dover, Yarl's Wood, Brook House and on charter flights) have identified a number of concerns; they make it clear that these are not a criticism of the detainees' treatment by staff at the respective centres and holding rooms, but rather of the circumstances and systems currently surrounding detention and removal:
 - The IMB at Brook House IRC and the IMB charter flight monitoring team (CFMT) report that a series of issues are collectively having an unnecessary, severe and continuing impact on detainees at Brook House, which is used as the base for detaining men scheduled to be removed on these charters. They

believe that the cumulative effect amounts to inhumane treatment of detainees, which should be urgently addressed, and have written to the Minister for Immigration in these terms. They also have serious concerns about the handover arrangements in receiving countries for those removed on charter flights.

- At Yarl's Wood and Dover, the IMB's monitoring has identified significant concerns about the initial assessments of vulnerability and risk at Dover, in particular medical assessments: there is no permanent on-site medical care at Dover to deal with the volume of arrivals.

Arrival at Dover

7. Those arriving cross-Channel are first held at Tug Haven, where they are assessed and served with immigration detention (IS91) forms. The IMB at Dover has been told by the Home Office that it cannot monitor this facility, as it is not
8. 'immigration detention'. We have challenged this on several occasions and understand that we may now be allowed access. We note the serious criticism of the facility in a recent HMI Prisons inspection; we do not therefore understand why the Home Office has resisted regular monitoring.
9. The Port of Dover IMB has reported that the holding rooms in Dover and Folkestone are not large enough to accommodate the people arriving through Dover, and that initial assessments are inadequate. They seat approximately 58 and 42 people, respectively, and in September, 1,316 people passed through the holding room in Dover and 332 through the holding room in Folkestone¹. On days with numerous Channel crossings, the holding rooms are often full, with little social distancing and increased pressure on both the provision of services and completion of records. In September, 291 detainees were held in the holding rooms for over 24 hours, usually due to the volume of people, the time taken to conduct interviews, or while waiting for detainees to be collected and transferred to other centres.

Health assessments/support

10. At the Dover STHF, the IMB notes that there is only medical provision between 10:00 and 16:00. There is no out of hours provision and, if necessary, staff have to arrange for detainees to be taken to hospital. On some days, the volume of detainees means that not everyone will receive a medical assessment, nor will it be thoroughly conducted (confirmed in findings from the Yarl's Wood IMB – see below).

¹ Figures provided by Care and Custody, Mitie.

Unaccompanied children

The Dover IMB reports concerns about the situation of unaccompanied minors arriving in Dover. Kent County Council have reached the maximum capacity of children that they can take into care, so that placements must be found in other areas. The knock-on effect is that unaccompanied children are waiting for much longer in the Atrium waiting area at KIU detention facility before being looked after by the Refugee Council.

Yarl's Wood: onward handover and assessment

11. The IMB at Yarl's Wood, which has been designated by the Home Office as the main processing centre for single men coming in by boat, reports that their monitoring shows that the Dover facilities are failing to deal effectively and safely with detainees. There are particular concerns about the information provided and evidence of poor or non-existent healthcare provision at Dover:
 - The information from the Border Force has been inadequate, often not informing Yarl's Wood of the number of men sent from Dover until they are already on their way. This has caused delays, stretched resources and, at times, extra officers have had to be called in to help process newcomers.
 - The Board has witnessed officers having to deal with serious errors in documentation from the Border Force: no case information database (CID) number to identify the men, as well as the wrong names accompanying photos. On a recent occasion, IRC staff were emailed forms for each arriving detainee, but the number of forms did not correspond with the number of men expected to arrive.
 - The IS91 forms (the Home Office documents handed to detainees informing them of the reasons for their detention) reviewed by the Yarl's Wood IMB indicate that numerous men are being transferred at night from the Channel ports to IRCs. Sometimes, they have been logged in at Tug Haven in Dover as much as ten hours before they are moved to Yarl's Wood IRC during the night.

Assessment of risk and vulnerability

12. Whilst the IMB recognises that the sheer volume of migrants must affect the timing and management of such moves, the rapid moves between facilities mean that there can be insufficient time for any one centre to carry out thorough assessments of risk and vulnerability, and this has a knock-on effect as they move from one location to another. So, while there is space to accommodate detainees, the shortness of their stay at Yarl's Wood means that assessments of vulnerabilities cannot be properly completed. The process begins, but those who then go to Brook House to be removed on a charter flight do so before the assessment results are received.

Health assessment and support

13. The IMB has particular concerns about the number of men arriving at Yarl's Wood IRC with injuries or untreated conditions (broken wrist, leg injuries, advanced cancer). The centre has swiftly organised hospital care when needed. There are, on average, one or two weekly trips to the local hospital. A man recently arrived with friction burn injuries at Yarl's Wood IRC, having not had his injuries properly treated at Dover. These burns had to then be cleaned and dressed at Bedford Hospital.
14. Despite the large number of arrivals, Yarl's Wood IRC has been able to confirm that some of the arrivals are in fact children; two in August and seven in September.
15. The IMB also reports inconsistency surrounding the confiscation of medication at ports: some men continue to arrive with their medication or with unidentifiable strips of pills (instead of prescription boxes). The centre's healthcare team aims to identify the medicine, but the state of the packaging and language issues cause delays in prescribing, which is further exacerbated by incorrect CID numbers.

Family contact and phones

16. Yarl's Wood IMB has received complaints that detainees' phones are taken from them in Dover when they are detained. As a result, they do not have phone numbers and other information needed to contact relatives. The IMB is aware that smartphones must be confiscated and that alternative phones are provided. However, as stated in the Short-Term Holding Facility Rules 2018, they should be able to access their property, in this case their phones, in order to record essential numbers. This cannot happen if the information needed is stored on a phone which is still in Dover. The Brook House IMB has also heard reports that some detainees are missing their phones and other property left behind when they were picked up in the community to be brought into detention for removal.

Vulnerable adults

17. In September, there were eight individuals on assessment, care in detention and teamwork plans (ACDTs) at Yarl's Wood and 11 Rule 35 claims were processed, with detention recommended for only four of those individuals. Given the rapid throughput, this may be an under-estimate of actual need and vulnerability. The Rule 35 process is a key safeguard for identifying and managing vulnerability. It requires an experienced GP to assess the likelihood of a detainee's health being injuriously affected by detention, or whether they are at risk of suicide or may have been a victim of torture. For men who arrive with medical conditions and mobility issues, the Yarl's Wood IRC staff have

opened supported living plans (SLPs) and created personal evacuation plans (PEEPs).

18. The IMB also reported that the men have little knowledge of where they are being held and where they are going next. Their stress levels are clearly high, which is also compounded by language issues.

Brook House: removal arrangements

19. On 12 August, the Home Office began a concentrated programme of charter flights to European Union countries party to the Dublin Convention. Men scheduled for removal on these flights are brought to Brook House IRC to be escorted from there to the flights. To date, 12 such charters have left. Two have been cancelled and another (to Spain) injunctioned, all on the day before they were scheduled to fly. The main nationalities of those affected are Iranian, Iraqi, Kuwaiti, Sudanese, Syrian and Yemeni.

Impact on detainees

20. It is evident to the Brook House IMB from on-site visits and monitoring that the concentrated nature of these flights is having a significant and detrimental impact on detainees. Scheduled flights have been clustered together (usually at least one and often two a week over a prolonged period), and for various reasons men may be 'bumped' to later flights. As a result of the flight programme, since August, a large number of detainees at Brook House have become extremely distressed, as described in paragraphs 21 and 22 below. This is, in turn, affecting the wellbeing and anxiety levels of other detainees who are living with these distressed men for days or weeks. There does not appear to be any mitigation or forward plan in place to address this issue if these frequent charter flights are to continue in the period between now and 31 December.
21. Some men brought to Brook House IRC have been picked up without warning from hostels. They seem both bewildered and fearful about what is happening to them. In conversations, the Board has heard men talk of being subject to racism, homelessness and hunger in the countries to which they are to be removed. This is corroborated by similar information provided by Yarl's Wood IMB of racism experienced by detainees in other countries.

Self-harm and suicide risks/vulnerable adults

22. The Brook House IMB reports that a large number of men have been placed on ACDTs after being identified as at risk of suicide or self-harm, with significant numbers needing constant or hourly supervision as a result of incidents of actual or attempted self-harm and others needing less frequent observation. Additionally, some men have refused food or fluids, and there are others considered to be "at risk" if removal directions are served.

23. For much of September and October, detainees on ACDTs and those who have been assessed as “at risk” if removal directions are served represented around 15% to 20% of the Brook House population². There were 44 and 36 acts of self-harm in August and September, out of a population of 80 and 127 respectively³.
24. Another indicator of vulnerability is detainees determined to be “adults at risk” (AAR) under Detention Services Order 08/2016 and the ‘Adults at Risk in Immigration Detention’ guidance of 6 March 2019 for Home Office staff. Detainees are designated as AAR level 1, 2 or 3⁴. On 7 October, 51% of the Brook House population was on the centre’s AAR log. Of these detainees, 68% were AAR level 1 with self-declared claims of previous torture⁵.
25. While not all detainees with self-declared torture claims are able to access a GP assessment before their flight, of those who do, a significant number of assessed claims are accepted by the Home Office. On 7 October, 30% of the detainees on the AAR log had had torture claims accepted and were moved up to AAR level 2. Under the Home Office’s AAR framework, the higher the risk level the stronger the presumption that a person should not be in detention.
26. During September and October, there has been a significant backlog of these GP assessments at Brook House IRC: for example, on 10 September up to 60 men were waiting. Despite extra GP provision, there is still a considerable backlog. On 23 October, there was a 12-day wait for an assessment appointment. In the Brook House IMB’s view, this is contributing to high levels of anxiety and unease among all detainees held there.
27. A further category of “adults at risk” is detainees who are victims of trafficking or modern slavery. The Brook House IMB understands that there has been a significant increase in the number of detainees making these claims in recent months, but data is not yet available from the Home Office.

Legal advice

28. Another key protection for detainees is access to legal advice. In September, the Home Office responded to increased demand at Brook House IRC by providing more legal aid surgeries each week. The IMB continues to receive informal complaints by detainees about delays in lawyers responding to them.

² Source for numbers is Serco Daily Operations Report. Percentages and analysis by the Brook House IMB.

³ Source for numbers is the combined monthly report to IMB from the Home Office and Serco.

⁴ Designations are based on evidence available, rather than actual vulnerability. Level 1 is self-declaration, level 2 is professional evidence usually from a medical practitioner and level 3 is professional evidence stating that the individual is at risk and that a period of detention would likely cause harm. There may be some overlap between men designated as adult at risk (AAR) and those in the other aforementioned indicators of vulnerability.

⁵ Source for AAR numbers is Brook House weekly AAR log. Percentages and analysis by the Brook House IMB.

Charter flights

Vulnerable detainees

29. At Brook House IRC, some vulnerable men who are still on ACDTs and constant supervision have been removed on flights: an example, observed by the IMB CFMT, was a man who had poured boiling water on his legs in the hours before his removal. Brook House IMB and the CFMT understand that others were taken to hospital after self-harm immediately before transfer back to Brook House for removal.

Information issues

30. An additional concern, which is exacerbating the distress of detainees both at Brook House and during charter flights, is the lack of information provided to the men about reception arrangements on arrival in the receiving country. The CFMT has raised concerns that a basic leaflet appears to be all that is provided, and little effort is made to provide a full briefing or explanation in advance in a way that detainees can understand. This poor level of engagement with detainees means that their anxiety and risk levels are raised even further.

Handover in receiving country

31. The CFMT has noted that detainees' vulnerability is compounded by a seeming lack of handover arrangements between the Home Office/escort contractors and the authorities in the receiving country when the charter flights land. It is not at all clear that any formal process exists for providing information to the receiving authorities about the mental and physical health of detainees, including any risk of suicide or self-harm, or that some men have already been identified under the Home Office's AAR framework at risk levels 2 or 3. This may put the men at further risk. Their enquiries to the Home Office on this point have failed to elicit details of any current or planned process.

COVID-19 concerns

Yarl's Wood

32. While the Yarl's Wood IMB acknowledges that the IRC seems to be efficient in isolating potential COVID-19 cases, the Board remains concerned that men are released into the community without 14 days of quarantine.

Brook House

33. At Brook House IRC, Public Health England COVID-19 guidance requires arrivals to “reverse cohort” for 14 days with all other men arriving in the same week. As a result, there is no longer a designated induction wing with a single induction process. The IMB has raised concerns about whether all new arrivals are consistently inducted and whether the information given is both timely and relevant to detainees who are there to be removed under the Dublin Convention, compared with that given to the more typical new arrival at Brook House who may have a better understanding of their basic rights. Monitoring undertaken by Brook House IMB shows that some men who have arrived to be removed on charters are unable to effectively retain information relating to induction, access to legal advice and their wider rights, which can be exacerbated by language difficulties.

Charter flights

34. The CFMT reports that on 26 August, seven men were collected for removal from the care and separation unit at Brook House, an area without protective screens. The CFMT reports that, on 22nd September, six men were collected for removal from the discharge area in the centre. It is a short corridor, unsuitable for collections even pre-COVID 19. Up to 11 people (including the man being collected) were observed in it from time to time. The centre, not the escort contractor, determines which area is to be used for charter collections.

35. In the CFMT's observation of collections from Brook House, social distancing is not maintained, either between the escorts themselves or between escorts and the returnees. The CFMT does note, however, that this may not be possible during the pat down search of returnees. The escorts provide returnees with masks and encourage their use, but it is not compulsory. The returnees are temperature tested by the escort contractor's paramedic when they are presented to the escorts.

Dame Anne Owers

National Chair

Independent Monitoring Boards

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