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Author(s): Kate Alexander


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‘You have to isolate yourself from everything that makes you human to survive’: Immigration detention in Scotland

Kate Alexander¹

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In the latter part of 2017, the issue of immigration detention came to the attention of the public in an unusually dramatic way. In September, a Panorama documentary revealed horrifying scenes of abuse at Brook House, a detention centre located at Gatwick airport.² Then in a three-week period in September and October, there were three deaths in detention: one in Harmondsworth at Heathrow Airport, one at Morton Hall, in Lincolnshire, and one at Dungavel, in South Lanarkshire. In November, a further death was announced at Morton Hall, bringing the total number of deaths in detention since 1989 to 33.

The Home Office tends to treat deaths in detention as tragic isolated incidents and they are investigated as such. Similarly, revelations of abuse, such as those at Brook House, are also treated as isolated incidents, failures of management and the result of the actions of a few ‘bad apples’, despite the fact that we have seen similar revelations and video footage at Harmondsworth³ and Yarl’s Wood, in Bedfordshire.⁴ Those responsible for the abuse and assaults we saw on Panorama should be prosecuted and punished. However, we know that this will not solve the problems in immigration detention, which go far beyond the actions of a few rogue staff and are not limited to serious abuse, but consist of systemic failings, and a raft of more mundane, less dramatic injustices, indignities and dehumanisations. This article considers some of those issues using evidence from government figures, official reports and research, but also from the people Scottish Detainee Visitors meet in detention and after release.

¹ Kate Alexander is the director of Scottish Detainee Visitors which supports people detained in Dungavel detention centre and on release, and influences policy on detention.
² http://www.bbc.co.uk/news/resources/idt-sh/g4s_brook_house_immigration_removal_centre_undercover
Supporting people in Dungavel

My organisation, Scottish Detainee Visitors (SDV), has been supporting people in Dungavel since it opened as a detention centre in 2001. With the support of our two part-time members of staff, our volunteer visitors travel to the centre twice a week in groups of up to five to visit people detained there. Our practical support includes information, signposting to other services, and phonecards to enable people to keep in touch with their families and legal representatives. These services are very important to the people we visit, but perhaps most important is the emotional support and solidarity we offer. We frequently visit people who receive no other visits and these extracts from emails to us reveal the value of our work: ‘when I hear my name called - to receive a visitor - it's a cause for celebration!’; ‘it's good to talk to the visitors, especially when I am so far from my family’, ‘it gave me the chance to share things that worried me, and to cry if I needed to.’

Our drop-in service takes place once a month (twice a month since January 2018) and is managed by my colleague with the support of volunteers. The drop-in enables us to meet people without a referral and frequently introduces us to people who have very recently arrived at Dungavel, who can then be referred for ongoing evening visits.

In 2017, SDV made 109 visits to Dungavel and supported 238 people detained there. The majority of the people we saw were visited once or twice but 9 per cent received more than 10 visits, reflecting the fact that for some people, detention can be prolonged. It does, however, frequently end in release back into the community and SDV also runs a Life After Detention project for people in this position. The project has worked with more than 50 people since it started in February 2016 and offers peer support, casework and a space for creative activities. The work of the project is increasingly feeding into our awareness raising and policy work.

Detention in the UK

The UK has one of the largest immigration detention estates in Europe - over 3,000 places. According to UK Government Guidance, the key purpose of detention is to remove people from the country who are deemed to have no legal right to be here. That purpose is reflected in the official name of

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5 http://www.migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/
detention centres – ‘immigration removal centres’. Detention is ‘administrative’ and the decision to detain someone, to deprive them of their liberty, is taken by a civil servant at the Home Office. There is no judicial oversight of such decisions and the only way a person who is detained can challenge their detention is to apply for bail, which they are able to do only once a month. The contrast with the criminal justice system is stark. There, strict time limits on detention without trial apply and people can be sent to prison only on the authority of a court.

Crucially, and uniquely in Europe, there is no time limit on detention in the UK. Nobody entering Dungavel, or one of the seven other places like it, knows how long they will be there, and it can be a very long time. The latest official figures tell us that at the end of December 2017 there were more than 2,500 people in detention. Seventy per cent of them had been there for more than 28 days (about 1,800 people). Sixty-four had been there for over a year. And one man had been detained for over four and a half years.

In the year to end of December 2017, the UK Government locked up 27,331 people in immigration detention. This is a little fewer than the year before when the figure was over 28,903. At no time in the last seven years has the number of people detained been fewer than 26,000, meaning that every year, the Government locks up more people than the population of several Scottish towns, Grangemouth, Clydebank and St Andrews among them.

Also in the year to end of December 2017, 28,244 people left detention. More than half (53 per cent) were released back into the community. In other words, over 15,000 people were detained, only to be released again. The proportion of people being released has remained fairly constant for a number of years, demonstrating the ineffectiveness of detention at achieving its supposed purpose of removing people from the country.

Detention is often framed as an asylum issue but just 47 per cent of those who were detained in the year to the end of December 2017 were classed as ‘asylum detainees’. People in detention are diverse in terms of their immigration status and, in addition to people who are in (or have been through) the asylum system, include people who have overstayed their visas, people who have breached the terms of their visas, people who have been refused permission to enter the UK, and foreign nationals who have served a prison sentence and have been issued with a deportation order. Increasingly, they also include citizens of European Union countries, who may not have served any prison sentence, a situation that has led some politicians to accuse

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the Government of being motivated by ‘politics not policing’.

Despite their diversity, the people we meet share a sense of shock at their detention. People who have had no contact with the criminal justice system are shocked to find themselves locked up in prison-like conditions. Those who have served a prison sentence are also shocked that they face the double punishment of detention rather than being released.

Health impacts and questions about health care

This is the first shock of many that detention causes people affected by it. Detention is a uniquely stressful experience. In detention, you live with two contradictory fears at the one time. On the one hand, you fear that you will be immediately removed to a country you have fled or with which you have no current connection, and on the other that you will be in detention for months or years. Again, the contrast with the criminal justice system is stark. People sent to prison know when they will be released. As someone detained in Dungavel said to me recently: ‘That means you can relax. You can plan your time. You are working towards something. That doesn’t happen in detention’.

As visitors to people in detention, we see the real mental and physical health impacts of this stress every week. We see people who enter detention as healthy individuals deteriorate before our eyes. People like Fuad, who we visited in Dungavel for over seven months. A European national who had lived and worked in the UK for many years, he was detained after a prison sentence under threat of deportation to the European country where he had been granted asylum. He knew he would be in no danger were he returned to that country, but he had a wife, children and a job in the UK. As his lawyers conducted a legal battle to keep him in the country to carry on being a dad to his children, Fuad appeared more and more unwell in detention. When we first met him, he was a lively, chatty and optimistic man but as his detention lengthened visitors noticed him becoming very withdrawn and depressed. He looked pale and drawn and reported being unable to sleep. Later visitors described his behaviour as ‘erratic’ and ‘bizarre’. We visited him every week he was in Dungavel, but it was only on his release that we saw him return to the man we originally met in detention. A year after his release, he is back with his family, having returned to the job he had before prison and detention. He is still in touch with some of our visitors.

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

Isolation

Detention is an isolating experience, particularly at Dungavel, which is in a remote location in South Lanarkshire, 45 minutes from Glasgow, along a winding country road, and not on any public transport routes. The nearest railway station is in Hamilton, 15 miles away. As visitors, our only practical option is to conduct visits by car travelling in groups from central Glasgow. People trying to visit their detained friends or family members often have a more difficult journey. If they live in England or the North of Scotland, a visit to someone in detention is likely to necessitate an overnight stay and if they do not have a car, they will need to liaise with Dungavel staff to arrange for transport to pick them up from Hamilton.

Many people in Dungavel are far away from their family and friends. We frequently see people who have not seen their children for months and are distressed by the callousness of the system that separates them. During a visit, Fuad told me that an immigration officer who was trying to arrange his deportation told him that he could be a dad to his children from abroad and that they would be able to visit him once he was deported. ‘I don’t want them to visit me’, he told me. ‘They’re not my friends, they’re my children. I want to look after them.’

Sometimes, people choose not to see their families. Pablo, who was detained for over three years and who we visited for more than two years in Dungavel, made that painful decision. The journey to Dungavel was difficult for his family, he did not like his children seeing him in detention, and not knowing when or if it would be possible to resume normal family relations was stressful for all of them. As he put it: ‘you have to isolate yourself from everything that makes you human to survive detention’. Pablo was ultimately released from Dungavel and two years later is living in Glasgow, with his immigration situation still unresolved, but slowly rebuilding his relationship with his family.

**Arbitrary and damaging moves**

Everyone in detention can be subjected to arbitrary moves around the detention estate. We often meet people who have been in more than one detention centre and do not understand the reasons for their moves. People like Thomas, who we visited in Dungavel for several months. Thomas had lived in Scotland with his family for many years before he was detained, and after a few months in Dungavel he was moved to one of the London detention centres. His understanding was that the move was temporary in order to facilitate an immigration interview, but six months later he was still there. Some people suspect such moves are a deliberate tactic by the Home Office to disrupt their social and legal support, and they are obviously disorienting and disruptive for everyone. But when they take place between Dungavel and the other centres in England, the effects can be more serious because of the differences in the legal systems in the two jurisdictions. Our experience is that a move to England often takes place just before an attempt is made to remove someone. It may then be difficult for a Scottish solicitor to make representations on their behalf in England and they may not be able to find an English solicitor in time to challenge a possibly unlawful removal.

**Vulnerable people in detention**

The Immigration Act 2016 introduced a new process for managing vulnerable people in detention. The Guidance on Adults at Risk in Immigration Detention,\(^\text{10}\) which introduced the new process explains that it allows for a case by case, evidence-based assessment of people who may be at risk, with

the aim that fewer vulnerable people will be detained and where they are detained, their detention will be shorter. The guidance lists categories of people who are likely to be considered vulnerable such as people with mental health problems, people with serious physical disabilities, survivors of sexual violence, survivors of trafficking and torture, and people with serious medical conditions. It makes clear that other factors may make a person vulnerable and that the nature or severity of risk can change over time. The presumption in the guidance is that people identified as being at risk, should not be detained, but that this judgement should be balanced against immigration control factors.

The new guidance came into force in September 2016 and has already been criticised for its ineffectiveness. A legal challenge by Medical Justice focusing on the definition of torture survivors under the new guidance was upheld by the courts in October 2017. And recent research by Women for Refugee Women has found that the new process is failing vulnerable women. Our visitors also meet people whose experience suggests that the system fails to respond appropriately to vulnerable people. We meet people who tell us they have been trafficked or have been tortured. We also see people with serious mental health problems, people who appear very frail, and people with disabilities.

**Detention of women**

In discussions about detention a great deal of attention is given to the position of women, particularly those at Yarl’s Wood. In those discussions, it is easy to forget that women are also detained in Dungavel. There are 14 bed spaces for women there compared to 235 for men, making detention in Dungavel an uncomfortable and isolating experience for women. Over the years that we have been visiting people in Dungavel, it has not been unusual for just one or two women to be detained in the centre and our visitors make a particular effort to prioritise them for visits. We are especially aware of the fact that many women who find themselves in detention have a history of sexual violence and exploitation.

11 https://www.theguardian.com/uk-news/2017/oct/10/torture-victims-were-wrongly-imprisoned-in-uk-high-court-rules
Losing belongings

Loss of belongings and personal effects is something we see a lot. People are brought to detention and have no opportunity to collect things. That can include important paperwork, personal mementoes and cash. Recently, we visited someone with a prosthetic leg. He had not been allowed to collect the waterproof prosthesis he used to shower. In that case, our visitors were able to help by collecting it for him from his previous accommodation. In another case, a man was brought to Dungavel having been arrested at his place of work on the Isle of Skye. He was given no opportunity to collect his belongings and asked for our help. By chance, the parents of one of our visitors were travelling through Skye on their way home after a holiday in the Western Isles and were able to collect them. That was very unusual. As a small organisation, we are usually able to help only if people have been living in Glasgow. As a result, sometimes people lose their belongings for good. They are allowed only to have belongings weighing the airport baggage allowance in detention, but as we know more than half are released and their belongings may have been removed from their accommodation by their landlord, especially if they have been detained for a long time.

And of course, anyone who has been detained lives in fear of it happening again. Our Life After Detention group began in February 2016 and has worked with more than 40 people who have been detained in the UK. Many of them sign on at the Home Office regularly to comply with the conditions imposed on them. Each time they do that they worry that they’ll be detained again. As Miriam, one of the group says: ‘Because of detention I can’t sleep for a week before signing at the Home Office in Glasgow’. That fear ripples out to their families, friends and whole communities, and is felt even by people who have never been detained.

It doesn’t need to be like this

But it doesn’t need to be like this. There is increasing evidence from both home and abroad of the advantages of community-based alternatives to detention. Working with people subject to immigration control using a case management approach is more humane, is cheaper and has been shown to be more effective. Linking the development of such alternatives with better end of sentence planning for foreign national ex-offenders could dramatically reduce the numbers of people being detained.
These measures would need to be accompanied by a strict time limit on detention. In 2015, an inquiry conducted by the All-Party Parliamentary Group on Migration and the All-Party Parliamentary Group on Refugees\(^\text{14}\) recommended a maximum of 28 days. That call was subsequently supported by the Scottish National Party (SNP) and the Liberal Democrats. SDV believes such a time limit would represent a vital first step, but also that there is a case for greater ambition, and the extension of the 72-hour time limit for families and pregnant women to all people at risk of detention.

Immigration is a reserved matter. But Scotland has a devolved Parliament with wide powers, a separate legal system, and a generally more progressive approach to immigration and asylum than the rest of the UK. That makes Scotland the ideal place to pilot this new approach. We should make it happen.

*Follow Scottish Detainee Visitors at sdv.org.uk, facebook.com/SDVisitors, @SDVisitors*

\(^{14}\) https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf