



Rt Hon Priti Patel MP  
Home Secretary  
Home Office  
2 Marsham Street  
London  
SW1P 4DF

15 May 2020

Dear Home Secretary,

We write in our capacity as Chair and Members of the APPG on Immigration Detention. As you will be aware, the group comprises over 35 parliamentarians from across the political spectrum who share concerns about the use of immigration detention in the UK.

Thank you for your response to the Chair's previous letters of 27 March and 9 April, which were received on Thursday 30 April. The APPG held an online meeting on the same date to discuss the ongoing situation in immigration detention. The Chair shared your response with the wider group, but serious concerns remain.

Evidence from public health experts has highlighted the increased risks from COVID-19 in detained settings. These stem in part from the fact that full social distancing is impossible in detention: you explain in your response that all detainees now have single rooms, but we understand for example that they continue to share many other facilities, including bathrooms, catering areas and areas to access the internet and fax. Moreover, the arrival and departure of staff each day may act as a conduit for infection to and from the community.

We also heard evidence in our meeting that the Home Office is still detaining people with COVID-19 comorbidities and other vulnerabilities, and is continuing transfers into and around the detention estate, further compounding the risks involved.

We are alarmed at your department's continued prioritisation of immigration enforcement aims over public health concerns during this pandemic. We note the limited prospect of removal due to global travel restrictions, and the fact that people held in detention are not serving a criminal sentence. In light of this, **we reiterate that the Home Office must change its approach and call on you again to arrange for the immediate release of all those still held in detention, ensuring that anyone who lacks adequate accommodation is provided with safe housing and financial support.** It is clear to us that these steps are necessary to protect both detainees and the wider public.

We also wish to raise with you the Home Office's approach to transparency and external engagement, a long-running problem which has been further exposed during this crisis. NGO representatives, for example, have reported to us that the department has been slow or has

even failed to answer questions about the situation in detention, to publish requested policies and other information, or to respond to concerns raised by them. This chimes with the experiences of some of our own Members in terms of delayed responses to parliamentary questions and letters.

We note that such an approach is in stark contrast to that of other departments, such as the Ministry of Justice for example, who is seeking input from, and providing daily updates to, interested parties. We are sure you will agree that government openness is vitally important at all times, including during this crisis. Going forward we ask you to ensure your department is responding in a prompt and meaningful way to external requests for information and efforts to raise concerns, including from this APPG.

With the need for transparency in mind, we ask that the Home Office publish on its website immediately the following information in relation to the COVID-19 response in detention:

- Policy for reviewing continued detention in light of COVID-19, including the new interim guidance provided to caseworkers mentioned in your letter
- Any additional guidance provided to caseworkers on making risk assessments in light of COVID-19
- Any additional guidance provided to caseworkers on making assessments under the Adults at Risk policy in light of COVID-19
- List of countries to which the Home Office cannot remove people, updated daily
- Following figures, updated daily and disaggregated by location (prison and each Immigration Removal Centre (IRC)):
  - Total number of detainees held (both in prison and IRCs)
  - Number of detainees with known COVID-19 comorbidities
  - Number of detainees classified as Adult at Risk Level 2 or 3
  - Number of detainees tested for COVID-19
  - Number of detainees infected with COVID-19
  - Number of IRC staff tested for COVID-19
  - Number of IRC staff infected with COVID-19
  - Number of detainee deaths from COVID-19
  - Number of staff deaths from COVID-19

Finally, we wish to register our alarm at the letter sent on 29 April by the Home Office to Judge Michael Clements, President of the First Tier Tribunal (FtT) Asylum and Immigration Chamber. The letter appears to try and place pressure on FtT judges to reduce the high number of bail applications currently being granted to detainees.<sup>1</sup> Such a step by the Home Office represents a clear attempt to influence the judicial process, thereby compromising the vital constitutional principle of judicial independence.

We ask that the letter be retracted with immediate effect and for you to provide a definitive assurance that no further action of this kind will be taken by your department against the judiciary, either during COVID-19 crisis or after it.

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<sup>1</sup> James Stevens, 'Home Office Update – Covid-19 and immigration detention' [letter to Michael Clements], 29 April 2020. Available at: <https://ilpa.org.uk/wp-content/uploads/2020/05/Letter-to-MC-29.04.20-1.pdf>.



Further, the letter has highlighted problems around the availability of suitable bail accommodation for detainees. In light of this, we ask you to clarify urgently what additional steps the Home Office is taking to source suitable accommodation for those that need it.

We look forward to hearing from you.

Yours sincerely

**Alison Thewliss MP** - SNP; Chair, APPG on Immigration Detention

**Christine Jardine MP** – Liberal Democrat; Vice-Chair, APPG on Immigration Detention

**Bell Ribeiro-Addy MP** – Labour; Vice-Chair, APPG on Immigration Detention

**Baroness Bennett of Manor Castle** – Green Party

**Wendy Chamberlain MP** – Liberal Democrat

**Joanna Cherry QC MP** – SNP

**Baroness Hamwee** – Liberal Democrat

**Baroness Lister of Burtersett** – Labour

**Caroline Lucas MP** – Green Party

**Baroness Ludford** – Liberal Democrat

**Stuart C. McDonald MP** – SNP

**Anne McLaughlin MP** – SNP

**Carol Monaghan MP** – SNP

**Kate Osamor MP** – Labour

**Hywel Williams MP** – Plaid Cymru

**Mohammad Yasin MP** – Labour