

**All-Party Parliamentary Group on Immigration Detention
Covid-19 Update**

Thursday 30th April 2020, 11.00-12.00

Online using Zoom platform

Minutes

- Parliamentarians present:** Alison Thewliss MP (SNP) - Chair
Baroness Hamwee (Liberal Democrat)
Christine Jardine MP (Liberal Democrat)
Baroness Lister of Burtersett (Labour)
Baroness Ludford (Liberal Democrat)
Bell Ribeiro-Addy MP (Labour)
- Others present:** Emma Ginn (Medical Justice / APPG Secretariat)
Kris Harris (Medical Justice / APPG Secretariat)
Robyn Hendry (Office of Anne McLaughlin MP)
Elspeth Macdonald (Medical Justice / APPG Secretariat)
Arran Mulholland (Office of Stuart C. McDonald MP)
Andy Murphy (Office of Alison Thewliss MP)
Amy Provan (Office of Paul Blomfield MP)
Rachel Smethers (Office of Rt Hon. Harriet Harman QC MP)
Margaret Young (Office of Anne McLaughlin MP)
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Minutes

1. Welcome

1.1 The chair welcomed attendees to the first online meeting of the APPG on Immigration Detention.

2. Update on situation in immigration detention

2.1 Kris Harris of Medical Justice spoke about the situation in immigration detention in light of COVID-19 and key concerns, including the heightened risks of infection in detained settings, conditions facing detainees, and action by the Home Office.

2.2 A full note of Kris' presentation is included at Annex A.

2.3 Emma Ginn of Medical Justice explained the actions that Medical Justice and other NGOs were taking in light of the current situation. This included:

- a) continuing to provide independent medical assessments, in particular on Covid-19 co-morbidities as well as deterioration of health due to prolonged detention (Medical Justice)
- b) a legal challenge on the lawfulness of continued detention in current circumstances (Detention Action)
- c) facilitating bail applications (Bail for Immigration Detainees)
- d) monitoring the fast-changing conditions in detention, including detainees' ability to access independent legal and medical advice (Medical Justice, Bail for Immigration Detainees, and others)
- e) monitoring the implementation of the case-by-case review promised by the Home Office, as well as how risk assessments (often relied upon to continue detaining people) were currently being made (Medical Justice, Bail for Immigration Detainees, and others)
- f) trying to raise concerns with the Home Office and other public bodies, and to request updated information and policies from them. This was proving very difficult
- g) trying to raise concerns through other channels, including the Home Affairs Committee and the APPG in Parliament.

2.4 Emma also provided an update on the Brook House Inquiry. A BBC Panorama programme revealed many cases of abuse taking place at Brook House IRC in 2017. Following a number of legal challenges, a public inquiry was announced by the government in November 2019. Broadly-speaking, the issues that the inquiry would investigate were:

- a) what happened / what abuse took place
- b) why it had happened
- c) what could prevent it happening again

The person appointed to chair the inquiry was Kate Eves, a senior official at the Prison and Probation Ombudsman (PPO). The chair had broadcast a pre-recorded speech earlier in April and set a date for Core Participant applications but not for determination of the applications or for when preliminary hearings would take place.

3. Q & A

3.1 Baroness Lister asked whether it was Medical Justice's aim to get as many people released from immigration detention as possible, and where would people go when released?

Kris Harris confirmed that Medical Justice's aim was to get as many people released as possible, but also to ensure they were released to safety ie. with appropriate accommodation and financial support. There had been cases of people being released to destitution - in a pandemic this obviously put both the person and the wider community at risk. Medical Justice's longer term aim was to prevent centres being filled up again and to demonstrate that a well-functioning immigration system was possible without the use of detention.

3.2 Baroness Lister also asked what facilities existed in detention to treat detainees diagnosed with COVID-19?

Kris Harris commented that the Home Office had so far confirmed two cases of COVID-19 - one at Brook House and one at Yarl's Wood. A third case had been reported by the IRC contractor Mitie but had not yet been confirmed by the Home Office. There were reports from NGOs that in the third case, the person had been released but had then sadly passed away within 24 hours of leaving detention. It was important to say that this had not been confirmed however.

Medical facilities at IRCs were very limited and would be unsuitable for dealing with anything but mild cases of COVID-19. The policy allowed for people to be transferred to hospital and treated there. It was not certain that a person with COVID-19 would be released from detention - previously there had been cases of people continuing to be detained whilst in hospital (e.g. hand-cuffed to their hospital bed), including to the point of death for example.

3.3 Baroness Hamwee asked whether people released from detention had recourse to public funds?

Kris explained that recourse to public funds varied. Some people were being released with no recourse and therefore affected by the government's refusal to lift the restriction. People with active asylum claims were able to access Section 95 support. More people with refused asylum claims were able to access Section 4(2) support at the moment, since most faced barriers to returning to their country. Some people with past convictions who were still under licence were encountering problems, as they required accommodation at an address approved by the probation service and this was taking time to organise.

3.4 Baroness Hamwee also raised concern about detainees' access to justice and ability to make bail applications, when external visits including by lawyers had been stopped.

Kris noted that the Detention Duty Advice scheme was not working satisfactorily at the moment. In normal times, detainees could sign up for a slot at a weekly legal surgery run by different law firms. At the moment there was just a list of law firm phone numbers for detainees to call. This was concerning for a number of reasons. Assessing a case remotely took considerably more time and effort, and not all firms might want to do this. Establishing trust between a detainee and legal representative was extremely important, especially in protection cases, but was much harder to do over the phone. There was also an issue of confidentiality for detainees who had to stay in their rooms and needed to send confidential documents. In some centres the documents now had to be handed to a guard, who then took them to be faxed. Such issues were likely to be making it harder for detainees to access the help they needed.

3.5 Baroness Hamwee asked whether the Home Office was keeping records of what was happening in detention?

Kris suspected that very limited records were being kept. In her experience the Home Office had a poor track record in this area and/or did not want to share information.

3.6 The chair noted that there was a clear need to improve the public's understanding about immigration detention. People often did not appreciate that detainees were not serving sentences for example.

Emma Ginn agreed that this was true. Media coverage was key in improving public understanding. Any help that APPG members could offer around this would be welcomed.

3.7 Baroness Hamwee asked whether any legal cases were underway around the lawfulness of detention, given that travel restrictions meant so few removals were actually now possible?

Kris explained that Detention Action's legal challenge had been based around this. The court had declined to grant interim relief, but the situation was continuing to evolve so further legal action might well come.

4. Agreed follow up actions

4.1 Medical Justice would suggest written questions for members to table. It would be good to be coordinated about this. They would also draft a joint letter to the Home Office for members to sign, and would liaise with the chair's team about applying for a backbench business / Westminster Hall debate once those were up and running again.

4.2 It may take several iterations of written questions to get a satisfactory answer, but clerks were good at advising on this.

4.3 There were currently more opportunities for topical and urgent questions in the Lords, with slots allocated by ballot. If issues came up that were generating media interest, for example, it was worth contacting peers about applying for a slot.

5. Meeting closed