
JRS UK evidence on quasi-detention: the UK Government's use of large-scale, institutional sites as asylum accommodation

June 2021

Background

The Jesuit Refugee Service (JRS) UK works with destitute people refused asylum, many of whom are pursuing fresh claims, and with people in immigration detention. Since autumn 2020, JRS UK's detention outreach team has supported people accommodated, and who have previously been accommodated, in Napier barracks. Our detention outreach team currently visits the site, and the day centre near it, on a weekly basis. We have also supported individuals placed at the 'de-designated' Tinsley house IRC, whilst they were not being held there under immigration powers.

Answers to the APPG's Questions

1.

Napier

Single males and males separated from families in other countries are accommodated at Napier.

Stage of asylum process:

To our knowledge, everyone accommodated at Napier is in the initial stages of an asylum claim. People are transferred to Napier at any point between claiming asylum and having their substantive interview. Some remain in Napier after their initial interview, others are transferred elsewhere. Otherwise, there is no obvious rationale in whom the Home Office accommodates in Napier.

Everyone we are aware of has been transferred from hotel accommodation, from elsewhere the UK. Some had previously been in detention.

On arriving at Napier, some people have only been in the UK a few weeks. Recent arrivals sent to Napier have typically been sent to short-term holding facilities, transferred to hotels, then shortly afterwards to Napier. Others have been in the UK for many months, sometimes over a year. This is most often because they have had to wait a very long time – up to 18 months - for their asylum interview.

Vulnerability

Many accommodated at Napier are extremely vulnerable, often in explicit contravention of the Home Office's own policy. We are aware of:

- survivors of torture
- survivors of trafficking
- age disputed minors – in practice, we are concerned these are children whom the Home Office contends are adults

- people self-harming
- people experiencing suicidal ideation.

Although Napier is very harmful to mental health, people have been transferred to Napier despite *already* struggling with self-harm and/ or suicidal ideation. We know of someone who was having weekly sessions with a counsellor to address these issues prior to his transfer to Napier.

Length: People have previously been accommodated at Napier for as long as 5 months. Now, the Home Office states that people will be placed there for 60-90 days. This policy has been in place since April, so at the time of writing it is too early to tell whether it will be put into practice.

Tinsley House

13 men were moved to the de-designated Tinsley House from Napier barracks and were at Tinsley House for approximately a month. JRS UK spoke with many of them in both locations. At Napier, we understand that they had been involved in speaking out against the conditions and set up of the accommodation. They were arrested following a fire at Napier, in connection with the fire, but were never charged. Most of these men were not based at the block in which the fire started. Taken together, this raises suspicions that the move to Tinsley House was a punitive measure.

2a.

Napier

Risk of COVID-19

It is well-known that there was a serious outbreak of COVID-19 at Napier barracks in late January 2021, that the barracks were redeployed as asylum accommodation against the advice of Public Health England, and that very little was done to mitigate the risk of COVID-19, as recently noted by the High Court.¹ Social distancing at the barracks was simply impossible, and remains so.

Immediately prior to the COVID-19 outbreak, there were approximately 14 people per dormitory. **At the time of writing, there are approximately 13 people per dormitory. The current sleeping arrangements are similar to those at the time of the outbreak and do not allow for social distancing.** We therefore have very serious concerns about the risk of a further outbreak of COVID-19.

Conditions

People accommodated at the barracks are often cold and do not get enough to eat. Sleep deprivation is serious and prolific problem. People report they are unable to get to sleep until 4am, and any sleep is troubled and fleeting.

Someone who had been accommodated at Napier in autumn 2020 to early 2021, explained: “You cannot sleep at night. Everyone is sleep-deprived due in large part to anxiety. There are too many

¹ *R (NB & Ors) v Secretary of State for the Home Department* [2021] EWHC 1489 (Admin).

people to a room...It was impossible. There were 18 people in our room, and 18 in the room next to us...The food was poor and we found tins that had expired... Everyone had a problem with the food in the camp. I lost 10 kilos in weight.”

Medical care

Access to medical care is complex and in practice limited for men accommodated at Napier. There is one nurse onsite. Though residents are automatically registered at one local GP surgery, most are unaware of this, and they have to make appointments via the nurse, restricting their agency over their healthcare. Many people at Napier have gone without needed medication or other medical assistance.

2b.

Both Napier and Tinsley House feel prison-like and are isolated, and this has a serious impact on mental health. **Men placed at both locations, who have experienced previous detention in other countries, including Libya, routinely explain that Napier reminds them of their previous detention.**

Napier

We observe spiralling mental health among those accommodated at Napier. Our detention outreach team specifically found this very similar to the way individuals’ mental health deteriorates within detention.

Chronic sleep deprivation, lack of privacy or time alone, and the prison-like setting are particularly stressful. The following testimony from a former Napier resident illustrates this.

“I was suffering in the camp, there was security...there was no freedom. The way we were treated, it denied us all freedom. I came to the UK full of hope that I would have a chance to be safe and have a good life, and then I found myself in this camp, with no freedom, it was just like a prison. In all the four months while I was in the camp, I must have left barely ten times. It is in a remote place and you have to walk quite far to end up somewhere equally remote. The camp is like being in a psychiatric hospital, or like being in prison, there are people rapidly becoming more and more mentally unwell around you, one has just tried to kill himself, another is in pain, another is very stressed and cannot cope. It just seemed safer to stay in my room and to avoid seeing all of this as I could not cope with it all the time. I did not feel like a person when I was there....I felt that everyone knew every single thing I did and said and ate...I was hungry in the night and there was nowhere to find food. There was no privacy.”

The prison-like setting of the site and isolation from local community are mutually reinforcing. On leaving the site, asylum claimants may face abuse from people unconnected with Napier, increasing the sense of being locked in. The site is out of town, removing many organic links to wider community. For example, if those accommodated at Napier were instead accommodated within British towns or cities, they would have neighbours in the local community they saw every day; they also would not be immediately identifiable as asylum seekers, and if they were, being accommodated in flats would still be less likely to entail stigma.

2c.

Napier

Access to legal advice is poor: This arises partly from the relative isolation of the site, and the barriers to access for lawyers and NGOs. People are typically encouraged by Migrant Help to seek legal advice, but generally given no meaningful support to find any. Migrant Help tend to refer to the small handful of NGOs working in Napier to help find solicitors. This occurs against the backdrop of a sheer lack of capacity among immigration advisors. Many advisors who offer to take on the cases of those at Napier do not have sufficient capacity. We know of one sole practitioner stating they had capacity to take on 100 cases.

Barriers to challenging placement at Napier: lack of legal support itself makes it very difficult to challenge placement at Napier. This interacts with a number of other factors:

- Many people are unaware that they have the option of challenging their placement, either in general, or because they do not know of the Home Office's suitability criteria, and therefore do not realise when they have specific grounds to challenge their placement.
- People have often been under the impression that their interview will occur more quickly if they remain at Napier, and therefore do not challenge their placement. Though interviews can occur very rapidly at Napier, there can be long delays, and people can be transferred out of Napier after months, still awaiting an interview.
- People have sometimes been warned, apparently by Napier staff, that if they seek to challenge their accommodation, this will negatively impact their asylum claim.

Right to claim asylum: effective engagement with the asylum process is made much more difficult by a combination of factors surrounding accommodation at Napier.

- Sometimes, interviews happen with so little notice that the men have very little time to prepare. JRS UK supported someone who was given the interview letter at midnight for an interview the following day. He didn't get to sleep until 5.30am due to the anxiety this caused.
- Asylum claimants at Napier frequently feel obliged to proceed with an interview, even without legal advice, because they fear that otherwise they will be waiting for one indefinitely.

Both of the above points suggest an issue with attempts to 'fast-track' the asylum process at Napier. Though people wish for their claims to be processed quickly, this is only useful if combined with allowing asylum claimants the tools and the time to engage with their case.

- People at Napier frequently don't have access to relevant documents, such as records of their screening interview.
- Sometimes people have been moved to Napier after an interview is scheduled for them in another part of the country; that interview has consequently been cancelled, and they are still awaiting another. This is despite the fact that interviews at Napier are remote.

Tinsley House

Access to Tinsley House for NGOs was extremely difficult, partly because the men placed there were virtually treated as if detained. A JRS UK staff member visited, and was met w initially not

allowed to see the men placed there, either on or off the premises. First, they were told by a security guard that they were not allowed to see the men because the men were detained. On being challenged, the security guard admitted that Tinsley House was not currently a detention centre, but maintained that, nonetheless, the staff member could not meet with the men because it would have to be outside, it was raining, and that would be bad for the men's health. Eventually, the men were permitted to leave the premises to meet JRS UK's staff member in the street. The men had to navigate six security guards at the gate to get out, so this felt very much like a prison environment.

3.

Screening and safeguarding for vulnerability is poor.

- JRS UK encountered an Unaccompanied Asylum Seeking Child at Napier. He was a teenager who had explained to the Home Office that he was under 18, but apparently been disbelieved. One of the security guards disbelieved and mocked him. The child was ultimately transferred out of Napier after a solicitor sent a Pre Action Protocol letter on his behalf.
- As noted in response to question 1), the Home Office persistently fail to apply their own suitability criteria with reference to vulnerability. We are currently supporting two victims of trafficking at Napier.

Most people with specific vulnerabilities have had to resort to independent legal support to redress the situation and get moved from Napier, and legal support is difficult to access there. People with clear indicators of having been trafficked, evident from their screening interviews, have nonetheless been transferred to Napier. For example, many men who explained in their screening interviews that they had travelled through Libya, which is known to be a trafficking hotspot, have been transferred to Napier, apparently without further investigation having been undertaken.

4.

Napier

The use of quasi-detention as asylum accommodation coincides with numerous other changes to the asylum process, some of which also affect people accommodated elsewhere. Given that changes interact with the use of quasi-detention, our evidence focuses on Napier but covers some wider changes.

Remote interviewing: Asylum claimants are interviewed remotely at Napier. Some interviews have had to be rescheduled due to technical failures.

Notices of intent on inadmissibility to the asylum process: Several people at Napier have been notified in writing that their asylum claims are being considered as potentially inadmissible, that if they are found to be so, the Home Office will try to remove them to another safe country, and if it cannot do so, it will admit them to the asylum process. This acts as a barrier to asylum.

Interviews occur at very short notice, as explained above. This means they often occur without the asylum applicant having had any legal advice or time to prepare.

Answers to question 2c are also relevant here.

5.

Napier and de-designated Tinsley House IRC

Both sites amount to a scenario of *de facto* detention without even the very limited safeguards surrounding immigration detention – a gatekeeper, the detention centre rules, and the possibility of applying for bail.

Napier

Testimony from residents and former residents of Napier illustrates how the site operates and is experienced as *de facto* detention.

An asylum seeking man we supported at Napier told us after being moved elsewhere: “They told us we were free to come and go, but in an indirect way they made sure we were not free. The camp is far from everywhere, we did not have money to take a bus into town, we didn't have money to shop. So we were not really free. We know this. I only left the camp once in the 4 months I was there. They told me I would only be there for a month. Some people stayed there well over 4 months and are still there now.”

People have frequently been brought to Napier without being told where they were going until they were *en route*, and sometimes they are unaware of the destination until they arrive.² In many cases, they are given the impression they are being taken to flats in another city. For example, a JRS UK staff member saw a man who had just arrived in Napier refusing to get out of the taxi on arrival. He was very distressed, and security and staff surrounded him. This is, at the least, a pointlessly cruel practice refusing even the most basic engagement with or respect for those in asylum accommodation. The legality of this is questionable, in that coercion and deception are apparently being used to transport someone. The practice seems eventually to have either ceased or become less common, after serial intervention from NGOs.

6.

There is good reason to think that the use of Napier as asylum accommodation has created fresh problems in processing asylum claims and increased the backlog of pending claims:

- People have been moved to Napier from elsewhere in the UK just before they were due to have an asylum interview, and therefore their interview has been postponed.
- Notices of intent on inadmissibility delay entry to the asylum process and therefore ultimately prolong it.
- These sites are a poor context from which to engage with an asylum claim on many levels: lack of community and detention-like setting are detrimental to mental health; isolation and lack of support networks make it harder to gather evidence and access adequate legal advice; chronic sleep deprivation severely interferes with one's ability to engage with a case.

² We are particularly aware of this happening routinely across April and May 2021.

It therefore seems unlikely that they will enable more decisions to be made correctly the first time around but, rather, will necessitate further appeals and in many cases fresh claims.

7.

- **Asylum seekers should be provided with safe and dignified accommodation within British communities.** Napier barracks should urgently be closed, and the plan for 'reception centres', announced in the government's 'New Plan for Immigration' abandoned.
- As long as sites like Napier are used to accommodate asylum seekers, those accommodated there have must early and easy access to high quality, independent, legally-aided, and face to face legal advice. Advisors must have the necessary capacity and resources to devote to their case. Remote advice is harder to engage with and is inadequate.

8.

Planning behind use of barracks

It emerged that internal Home Office documents relating to the decision to use barracks to house asylum seekers state that destitute people seeking asylum are "not analogous" to British citizens and other permanent residents in need of state welfare assistance. The Home Office concluded that "less generous" support for people seeking asylum was "justified by the need to control immigration" and that "Any provision of support over and beyond what is necessary to enable the individuals to meet their housing and subsistence needs could undermine public confidence in the asylum system."³ This demonstrates 1) the Home Office knew that it was providing substandard accommodation in housing asylum seekers at the barracks, and 2) it did so at least partly to manage public opinion and immigration control. This has important implications for plans to use reception centres more routinely, suggests it may involve a conscious decision to give substandard accommodation to asylum seekers, which is inhumane.

Attempts to stifle dissent or critique are frequent in Napier: In addition to the transfer of people who protested conditions at Napier to Tinsley House, at Napier are told that speaking to the media or NGOs may affect their asylum case.

The use of quasi-detention is bad for integration, and refugees' chances of rebuilding their lives

We have already mentioned how the out-of-town and institutional nature of Napier cuts asylum claimants off from the local community and fosters division. This is, obviously, bad for integration and negative for the entire community.

³ <https://www.independent.co.uk/news/uk/home-news/asylum-seekers-napier-barracks-home-office-b1793951.html>. The document in question is the Equality Impact Assessment.