

## **Submission to the APPG: Quasi-Detention from Quaker Asylum and Refugee Network (QARN)**

### **Introduction**

This submission is in response to the call on 7 May 2021 from the APPG on Immigration Detention for written evidence as part of its enquiry into the UK Government's use of large scale institutional sites, such as former military barracks and a temporarily 'de-designated' Immigration Removal Centre (IRC), as asylum accommodation.

This evidence is contributed by the Quaker Asylum and Refugee Network (QARN)<sup>1</sup>. Quakers (members of Quakers in Britain<sup>2</sup>) have demonstrated an enduring concern about issues of refugees and asylum. QARN is a Quaker Recognised body established in 2006 to provide a focus for individual Quakers to work together on joint advocacy and campaign for radical change to the asylum system.

This submission is based on conversations between December 2020 and June 2021 with people who have been accommodated in Napier and Penally Camps.

Some of those our members talked with fear to speak for themselves because accommodation provider staff have suggested that this will lead to their asylum claim being delayed or refused. (see also The Guardian<sup>3</sup>).

We commend the interim report of David Bolt, Independent Chief Inspector of Borders & Immigration dated March 2021<sup>4</sup>, (now retired).

The Home Office has failed in its duty of care for people in the asylum system. Its officers work within an institutional hostile environment that has been created over many years, in which oppressive practices have become the norm. The use of quasi-detention facilities is one aspect of this.

Accountability lies with the Secretary of State for the Home Department, Priti Patel, and her officers and the management and staff in sub-contracted organisations, through the AASC and AIRE contracts,.

People in this hostile asylum system are treated like units to be moved around to suit the system. There is little respect for their physical or mental health or their need for stability in the face of continuing unpredictability. This adds to the psychological burden they have already experienced.

<sup>1</sup> <http://qarn.org.uk>

<sup>2</sup> <https://www.quaker.org.uk/>

<sup>3</sup> <https://www.theguardian.com/world/2021/jun/06/asylum-seekers-in-napier-barracks-face-blacklist-threat-for-speaking-out>

<sup>4</sup> <https://www.gov.uk/government/news/an-inspection-of-the-use-of-contingency-asylum-accommodation-key-findings-from-site-visits-to-penally-camp-and-napier-barracks>

## To address the specific questions posed for the Inquiry:

### 1. Who has been / is being accommodated at the site(s) and for how long?

- The people who were moved into the camps from September 2020 when they opened mostly came from the 'contingency hotels'. Some were recent arrivals, and others had been in the UK for a while..
- With the latest re-opening of Napier camp in April 2021:
  - the initial intake of a hundred men had been accommodated for a while in the 'contingency' hotel system.
  - The second intake were very recent arrivals coming from Dover IRC. • All residents are male.
- Those we spoke to observed that some have been under 18 years old. • Many seemed to be in their twenties or thirties, but there were also older people.

When Napier and Penally camps opened in September 2020, the initial residents were led to expect to stay for up to a month. Many were still there in February 2021, feeling depressed and helpless because their stay now seemed indefinite.

In contrast, people who were taken to Napier when it reopened in April 2021 were told that they could expect to stay there for a number of months.

People who managed to find a public law solicitor to make a case about the conditions at the camp were often moved out when a Letter Before Action was raised.

### 2. What are the key features of the site(s) that generate concern, and how do these features impact on residents, with regard in particular to their physical and mental health

Please refer to the judgement of Mr Justice Linden, High Court Judge in the case [2021] EWHC 1489 (Admin)<sup>5</sup> dated 3 June 2021, in which he writes:

*[...] a decision that accommodation in a detention-like setting - a site enclosed by a perimeter fence topped with barbed wire, access to which is through padlocked gates guarded by uniformed security personnel - will be adequate for their needs, begins to look questionable*

He considers the negative impact on the residents' physical and mental health. Physical health?

People described being asked basic questions about their health when they first came into contact with the asylum system but could not talk about their physical and/or mental health issues at that time because they were stunned, exhausted and traumatised from the journey. They did not know whom they could trust. They also did not appreciate the

<sup>5</sup> <https://www.judiciary.uk/wp-content/uploads/2021/06/Napier-Barracks-judgment.pdf>

importance of that interview because they had little understanding of the system; and they did not always understand the interpreters brought for the interviews.

Those making decisions about the vulnerability of potential residents for the camps could not make a sound judgement, as there was no follow-up assessment where specific questions could be put to people.

The lack of appropriate assessment is particularly pertinent in relation to the Covid pandemic. Some people came from countries where TB and HIV are prevalent. Some could have had pre-existing conditions such as diabetes and/or heart conditions. People with such conditions would have had to shield from the virus if they had been in the UK general population. They might also have contracted illnesses on their arduous journey.

GPs near to both Penally and Napier sites were already overwhelmed and had little capacity to take on this sudden influx of people. Thus, professional medical attention was not readily available in the camps.

Medical advice was rationed by staff on both sites. There was a nurse on duty sometimes. People had to queue to see the nurse alongside people with non-medical issues. They had to describe problems in front of others; other residents were used as interpreters. Scabies was common. The general response was to send people away or to give them paracetamol, even when residents insisted that they needed to see a doctor.

Emergencies were sometimes handled by the residents calling '999' for an ambulance, because staff were not available or responsive.

When residents had dental problems, they were told that there were no dentists immediately available, so it was not worth trying to make an appointment. Paracetamol was given for pain-management. People were concerned that when dentists did see patients, they extracted teeth rather than offering a repair, a lack of care which they believed was due to being in the camp.

In Napier Camp, it was not possible to keep Covid safe: people slept in dormitories with little space between beds, a rudimentary system of separation between sleeping quarters and poor ventilation. They used communal showers, even those with clear scars from torture; they ate communally; and spent social time in close proximity, gathering round the few places where the internet worked properly. People who tested positive were isolated in a room for sleeping, but still needed to use communal toilets and shower facilities.

The Covid outbreak at Napier Camp during which 200+ people were infected demonstrated that the residents were not able to keep themselves safe from the virus in these conditions. Photographic evidence of the residents living conditions is included in the report of David Bolt, ICIBI<sup>6</sup>.

What is particularly worrying is that the residents were blamed by the Home Office for the spread of the virus. Government ministers said that conditions at the barracks were fine for

use by soldiers and therefore by people in the asylum system. The barracks had not been used for a decade, conditions were not suitable for these people and lives were put at risk. Responsibility for this lies ultimately with the Home Office which outsources its responsibility to private companies.

These observations show that the Home Office had a shocking disregard for its duty of care and raises questions about how Home Office staff and Government ministers can be trusted to make appropriate decisions.

### Mental health?

ICIBI David Bolt<sup>7</sup> spoke to men from both camps. We noted during our involvement in such zoom meetings that he was particularly struck by the psychological impact on the residents of the lack of predictability, and accurate information about what to expect in relation to many aspects of the arrangements being made for them. A more detailed report looking at the use of 'contingency units' is due in the autumn.

These institutional facilities were designed for specific uses, for short periods of time, and were not meant to be re-purposed, after lying empty, to accommodate people seeking asylum. The situation which would in any event be grim, has been made worse by a pandemic which exacerbated the risks to the physical and mental health of people sent there.

This contributed to a sense of anger, fear, hopelessness, depression, and suicide/self-harm attempts amongst vulnerable people in a fragile state, thrown together in a threatening environment. In addition:

- When everyone was moved out of Penally, it raised hopes that Napier camp would also close;
- People found it extremely difficult to deal with the uncertainty that arose. They were subjected to abrupt changes with little or no accurate information and to an unexplained timeframe which became indefinite.
- They could not leave Napier until everyone was free of Coronavirus. Residents' movements were monitored, and for a while they were not allowed to leave the camp.
- In both Penally and Napier barracks residents felt isolated, cut off from the world by the nature of living in ex-army camps, away from the community.
- For some, being surrounded by the perimeter fencing, isolated from the eyes of the world, in a detention-like institution induced a traumatic reaction related to their past experience.
- Residents at both camps were targeted by far right 'protesters' repeatedly standing on the perimeter fence instilling fear, filming residents, shouting questions and comments and taking it in shifts to shout racist and threatening messages. They did this out of the public eye at Penally camp; at Napier camp they used the service road for their worst activity where they were not visible to the general population. The men said that the

most intimidating of these visits came in the night when the more threatening of the ‘protesters’ shook the fence near to the sheds and called them, reminding the residents they were there; people were afraid to move around the site to visit the facilities. There was no attempt to remove these protesters or hold them to account for their hate speech and actions.

Local organisations had a presence at Penally. At Napier camp, supportive groups were prevented from access because of the Covid lockdown. The residents were isolated from the outside world physically, and in relation to feeling any sense of hope. They felt they were being punished and scapegoated by the Government, a flag to deter others from trying to come to UK, used as political pawns.

When ‘official visits’ are made, such as by the Inspectors of Prisons and ICIBI, staff tell residents that their asylum cases will be failed or delayed if they complain about the conditions, so they are hesitant to raise their voices. The Minister for Immigration, Chris Philp visited but did not make himself available to the residents who wanted to speak with him.

Some residents had challenging mental health issues, some were very angry and/or suicidal, some expressed their anger by breaking windows or fighting, others slept much of the time. The men said it was like walking on eggshells for those who lived there. On the day, the residents of Napier camp were sent letters telling them that the camp was to be sealed due to Covid, this frustration and anger spilled over and a building was set on fire. It was a frightening reaction to pent up frustration.

Vulnerable residents were not rehoused. There were serious suicide attempts. When people cut their wrists, this was unlikely to have been recorded as self-harm in the reports being kept by the staff at the camp.

Ability to access legal advice, to challenge their placement in such accommodation, and to exercise their right to claim asylum?

Those who found a Public Law solicitor stood a good chance of being moved out. Penally camp residents were assisted at an early stage by local Public Law solicitors to bring action but many in Napier Camp were not aware that they could make such a case. Local solicitors had limited capacity to take on the numbers needing help.

Ability to access specialist support e.g. for victims of trafficking, age disputed minors, etc? We are not aware of specialist support being available.

3. What mechanisms, if any, exist at the site(s) to identify and safeguard vulnerable people, and are these mechanisms adequate?

All the residents are vulnerable due to their circumstances. Rather than feeling safe, people were retraumatised in the camp by the physical aspects of guards, wire

guards etc. Residents were not enabled to maintain social distance, and the lockdown requirement affected camp residents negatively particularly in Napier.

- The people we spoke to felt that there was little care or support for those who were vulnerable. We know that someone who witnessed a serious suicide attempt was re roomed in a small room rather than in a large dormitory shed. This showed a bit of compassion in extreme circumstances.
- We hear that the Covid-19 situation has had a traumatic impact on people seeking asylum in the UK. It triggers memories -- death stalking the streets, not being able to walk freely or spend time with friends and family, not knowing where the threat was coming from. These triggers were present in these camps.

4. What changes, if any, have been observed in the way that the asylum/immigration claims of residents at the site(s) are being processed, and what implications might these changes have?

New arrivals to Napier camp since April 2021 had their mobile phones confiscated by immigration officials when they arrived; they have not had the means to contact solicitors and set up their case. Some had 10 minutes notice to prepare for their substantive interview, by video link, from the camp. This suggests a serious and deeply unjust failure of planning and organisation by the Home Office.

5. What questions arise with regard to the lawfulness of the site(s)?

Army camps are not subject to the regulations and scrutiny which govern Immigration Removal Centres, and detainees are therefore not given this protection. It is particularly disturbing that the Home Office blamed the residents for problems, made claims that the barracks were adequate, and denied accountability for what went wrong. ,

There was no consultation with the local community demonstrated by this comment from Folkestone and Hythe District Council<sup>8</sup>

*We have since highlighted concerns about the lack of consultation, lack of communication, the time claims are taking to process and we question the suitability of the barracks for this purpose.*

This contrasts with the consultation process in 2008/9 for a new IRC in Oxfordshire<sup>9</sup>.

Priti Patel speaks of the barracks as suitable for soldiers, but people seeking

asylum have very different needs. The Guardian reported on 15.2.2021<sup>10</sup> that Napier barracks had been deemed unsuitable as a place for people to stay many years ago.

<sup>8</sup> <https://www.folkestone-hythe.gov.uk/article/1505/Community-questions-around-Napier-Barracks-use> <sup>9</sup> <http://news.bbc.co.uk/1/hi/england/oxfordshire/7862856.stm>

<sup>10</sup> <https://www.theguardian.com/politics/2021/feb/15/napier-barracks-not-suitable-for-accommodation-experts-found>

6

APPG Detention Inquiry into quasi-detention: submission from Quaker Asylum and Refugee Network – QARN

We have seen no evidence that the Home Office assessed the health and psychological needs of the men sent to these camps, (cf. Rule 35 of regulations governing IRCs) or assessed the suitability of the buildings as a longer-term place of residence at a time of pandemic.

6. What effect do the site(s) and any changes in processing observed at them have on the known backlog of pending asylum claims and the number of people seeking asylum left 'in limbo'?

We have seen no evidence that the cases of residents of the camps were escalated,

We know that some people were moved to a series of 'contingency' hotels. This meant they lost touch with support systems and any medical practice which took them. Potentially they carried the Covid virus with them.

7. What recommendations (both short-term and long-term) do you have for the government regarding the site(s) and others like them?

Close Napier camp, as Penally has been closed. Do not use army barracks or similar institutional buildings to house people in the asylum system.

Establish systems to manage asylum cases in the community. Traumatized people need to be in the community, not isolated.

Local Authorities should be properly resourced to provide asylum support for all, for example by adopting the arrangements made under the Vulnerable Persons Resettlement model for all, regardless of their mode of arrival.

Have dialogue with the International Detention Coalition<sup>11</sup> and the UK Detention Forum<sup>12</sup> to explore alternatives to holding new arrivals in prison-like conditions. The government might look at models of reception in countries like Canada rather than Australia.

It has been suggested that the decision to use these sites was influenced by government assumptions that the British public would not wish to see asylum seekers housed in comfortable accommodation<sup>13</sup>. The government would appear to be privileging the views expressed by right wing activists and the tabloid press rather

than the opinions of the very substantial section of the British public that believes British values include respect for all and fair treatment of citizens and non-citizens alike.

This reputation, which we have held internationally, is seriously damaged by the current approach exemplified in the use of these holding camps, and the proposals outlined in the New Plan for Immigration.

<sup>11</sup> <https://idcoalition.org/>

<sup>12</sup> <https://detentionforum.org.uk/>

<sup>13</sup> <https://www.independent.co.uk/news/uk/home-news/asylum-seekers-napier-barracks-home-office-b1793951.html>

#### 8. Any other issues generating concern not covered by the above?

The use of these quasi-detention facilities demonstrates little concern for the dignity and human rights of people seeking asylum. The work of campaigning groups and of the residents themselves led to media attention and made sure that the camps could not continue to operate out of the public eye. We welcome this inquiry which will bring to light the degrading and dangerous treatment of those seeking safety.

We hope to see APPG recommendations based on humanity and compassion, keeping people in the public eye within the community not in quasi-detention facilities, protected by rules and a robust transparent system of accountability by the Home Office.

Quaker Asylum and Refugee Network – QARN

20 June 2021

