



All-Party Parliamentary Group on Immigration Detention Annual General Meeting

Tuesday 24 May 2022, 12.00 - 13.00
Room M (Portcullis House)

Minutes

Attendees

- Parliamentarians:** Alison Thewliss MP (Chair) - SNP
Apsana Begum MP - Labour
Baroness Bennett of Manor Castle - Green Party
Paul Blomfield MP - Labour
Sir Peter Bottomley MP - Conservative
Helen Hayes MP - Labour
Baroness Lister of Burtersett - Labour
Baroness Ludford - Liberal Democrat
Hywel Williams MP - Plaid Cymru
- Parliamentary staff:** Mhairi Love - Office of Alison Thewliss MP
Wendy Hamilton - Office of Alison Thewliss MP
- Secretariat:** Elspeth Macdonald
- External speakers:** Andrew Leak - UNHCR
Tahlia Dwyer - UNHCR
Emily Malcolm - Action Foundation
-

1. AGM and other APPG business

1. Welcome - The Chair welcomed parliamentarians and the guest speakers.

1.2 The following APPG officers were elected:

Chair: Alison Thewliss MP - SNP

Vice chairs: Christine Jardine MP – Liberal Democrat
Anne McLaughlin MP - SNP
Bell Ribeiro-Addy MP – Labour
Mohammad Yasin MP - Labour

Officers: Baroness Bennett of Manor Castle – Green Party
Sir Peter Bottomley MP – Conservative
Stephen Doughty MP – Labour
Richard Fuller MP – Conservative
Rt Hon. Harriet Harman QC MP – Labour
Helen Hayes MP – Labour
Baroness Lister of Burtersett – Labour
Stuart C. McDonald MP – SNP
Kate Osamor MP – Labour
The Earl of Sandwich – Crossbencher
Hywel Williams MP – Plaid Cymru

1.3 The group's income and expenditure statement for 2021-22 was approved.

1.4 Elspeth Macdonald gave a number of updates regarding the situation in detention.

Numbers of people in detention appeared to be high and Home Office officials had stated that the detention estate would be filled to capacity by the end of May. The reasons for this were not clear, however. It was possible that it could be related to charter flights - there had been a charter to Jamaica the previous week, and a charter to Iraq was scheduled on 31 May.

There had been a number of changes across the estate. Yarl's Wood was now operating as a predominantly male Immigration Removal Centre (IRC). Meanwhile the Home Office had opened a new IRC for women in Derwentside, County Durham, in December 2021.

These developments appeared to suggest that the government had reversed on its previous commitment to reducing the use of detention.

1.5 Helen Hayes MP - The Rwanda scheme was already affecting people's mental health. There were desperate stories of asylum seekers organising their own suicide watches for example. Was there any monitoring of this impact? Part of the problem was the lack of any criteria - people did not know whether they would be chosen or not.

1.6 Tahlia Dwyer, UNHCR - The lack of published criteria meant people could not challenge their Notices of Intent and was being challenged via litigation. The first 50 people to receive Notices had arrived in the UK since 9 May 2022 and had been in detention since the point of their asylum screening interview. They were located across the country.

1.7 Helen Hayes MP - Local organisations were having to decide whether to give information to people about the Rwanda deal. It was difficult - such information might spread anxiety, but organisations also wanted to support people.

1.8 Tahlia Dwyer - UNHCR's advice was to share details of NGOs that could connect people with legal advice. It might also be useful for individuals and organisations to know that there were legal challenges trying to stop the policy.

1.9 Baroness Ludford - Was it normal for the Home Office to not supply the criteria for selecting people? Did they provide any rationale?

1.10 Tahlia Dwyer, UNHCR - The Home Office said that people deemed 'inadmissible' to the UK asylum system were eligible for the scheme. The Home Office also argued that revealing criteria would assist people smugglers by telling them which groups to focus their efforts on. However, the Home Office had already shared one criterion - that no unaccompanied children would be sent to Rwanda. If it was possible to reveal that criterion, why not others? It was illogical.

1.11 - Andrew Leak, UNHCR - the Home Office had also said that revealing information about the policy would lead to lawyer making interventions.

1.12 Baroness Ludford - if the HO were clear, transparent and well-run, there would be less work for lawyers.

2. Briefing on “Action Access” - Alternatives to Detention Pilot Project

2.2 Andrew Leak, UNHCR - Detention had become a routine, rather than exceptional, response to the irregular arrival of asylum seekers and migrants in a number of countries, including the UK. This was concerning. Detention should only be used as a last resort and for legitimate purposes. Seeking asylum was not unlawful and governments should ensure the right to do so was respected, including ensuring open and humane accommodation for asylum seekers.

Alternatives to detention could provide better outcomes for people who would otherwise have been detained and were more cost effective. The Action Access pilot had demonstrated this. It involved providing people with social welfare support, counselling, case management and accommodation whilst in the community.

The harm caused by detention was well-evidenced. It was expensive, harmful to mental health, and often ineffective both in terms of reducing irregular migration, and achieving case resolution and other migration management goals.

The UK government announced its Community Engagement Pilot series in 2017, Its purpose was to test supporting people to resolve their immigration case in the community, rather than using detention.

UNHCR had been working closely with the government on the pilot series since it was announced. The first was the Action Access pilot which was run by the Action Foundation in Newcastle from 2019-21. Its aim was to support vulnerable women in the community who would otherwise have been detained.

At the Home Office’s request, UNHCR had commissioned an independent evaluation of the pilot by NatCen. The evaluation asked specifically what lessons from the pilot could be applied more widely across the UK government’s approach to migration management.

A key finding was that the women who participated in the pilot were in a much better place emotionally and mentally to work with legal counsellors and support

workers and achieve better outcomes. This was perhaps an obvious point - but there was no published evidence in the UK to confirm it prior to the pilot.

Covid-19 meant that fewer women took part in the pilot than originally planned, so costs per participant were slightly higher than anticipated. Despite this, the costs were much lower than putting the individuals into detention.

Legal counselling was a key component of the pilot. Participants were provided with a legal representative, with whom participants could fully explore their immigration options. The evaluation found that this was an example of promising practice - participants reported feeling they had been treated fairly, because they had had the opportunity to have their case reviewed by a legal expert.

Holistic support was offered in parallel with the legal support. Participants experienced more stability and better health and well-being outcomes whilst on the pilot than they had done whilst in detention.

The evaluation showed that compliance with immigration did not decrease. This was a key concern for the government.

The evaluation recommendations had been accepted in full by the government. This was an important consideration for anyone advocating for alternatives to detention and/or reduction in the use of detention.

Civil society and government worked together well on the pilot - this was one of the reasons for success. There were red lines, but these were never crossed.

Goal for UNHCR was to have ATDs enshrined in law and embedded in practice, as a standard, not niche, response. It was important to highlight too that ATDs should only be used in situations where there are grounds to detain a person, not merely where a person is liable to detention.

2.2 Paul Blomfield MP - what was the attitude towards ATDs at the moment within the Home Office? would they be rolling the pilot out? Previously there had been genuine commitment to extending ATDs and reducing detention, both from ministers and officials.

2.3 **Andrew Leak** - The report had been published five months ago. The government seemed to be going in a different direction now. However, a second pilot would finish next month - and the evaluation would follow quickly thereafter. That would be a good moment to step up advocacy. Key advocacy points were the reduction of costs, improvements in well-being and quicker case resolution. There were plenty of NGOs ready to take part if the HO decided to roll out the pilots more widely.

2.4 **Tahlia Dwyer** - HO officials wanted to wait for the full results from all pilots before taking it to ministerial level. That was the moment to increase advocacy.

2.5 **Baroness Lister of Burtersett** - did the second pilot include men?

2.6 **Andrew Leak** - Yes, it was open to men and women. Accommodation was not provided however - people recruited were staying with friends or family.

2.7 **Baroness Ludford** - Compliance was obviously a key issue for the Home Office. Having more detail on compliance would allow parliamentarians to advocate more effectively on the findings. Did the fact that people were willing to take part in the pilot create a 'compliance bias'?

2.8 **Andrew Leak** - there was more detail on compliance in the full report. There would always be people who would not be compliant. However, the fact that case resolution was much quicker on the pilot might encourage others to take part and comply. The Home Office team leading the pilot had been pushing hard for it to be a success.

2.9 **Emily Malcolm, Action Foundation** - Action Foundation (AF) supported refugees and asylum seekers in the community across the Tyne and Wear, and had delivered the Action Access pilot.

It had been a privilege to show that the Action Access model worked. Women stayed in women-only houses owned by AF and received legal counselling. The project tested a three-meetings model of legal counselling as part of the programme.

There was very positive engagement between the Home Office and AF. It was a new approach and it worked well. There were weekly meetings and flexibility in

how to support the participants. At same time, there were clear red lines that were respected, including not reporting on participants' situations.

Participants also had a support worker at all times to help navigate the process, including the legal system. The level of trust that built up led to two disclosures of human trafficking which had not been disclosed in detention. The level of support helped with compliance too.

Assisted voluntary return (ASV) had decreased dramatically since 2015. On the pilot, people could talk through the options they had rather than being left in limbo. Of the pilot participants who did not apply to regularise their status, 29% opted for ASV. All those who explored ASV on the pilot said they would not have done so on their own. It seemed the support people received on the pilot allowed people to have these conversations.

AF could roll out the pilot and keep financial costs to half that of detaining people, since economies of scale would create savings. It was also important to factor in the costs in terms of people's well-being and mental health.

The pilot offered a people-centred approach to immigration management and meant that people could feel some dignity through the immigration process. One participant had said:

“In detention, you don't have this kind of positive atmosphere...I think you recover yourself... In detention you just want to cry, you just want to stop eating, you just want to kill yourself.”

AF wanted to see ATDs rolled out more widely. Derwentside IRC had just opened nearby in the north-east - millions were being spent on it. This did not make sense. The pilot had shown there was a more humane, cost-effective community-based alternative to detention. Why was it not being used?

3. Q&A

3.1 Alison Thewliss MP - had AF worried about any reputational risks from working with the Home Office?

3.2 Emily Malcolm - there had been concern about how participants would perceive the AF-Home Office relationship. However, participants saw AF as separate from the HO. AF's felt it was important to get involved with the pilot, to show how the system could be improved and better support people.

3.3 Baroness Bennett of Manor Castle - presumably AF was chosen to run the pilot because it was particularly well-equipped to do so. Many more organisations would be required to scale up the pilot, and these might not have the same expertise or take the same care. Was there a risk that a scaled up version would become an out-sourced arm of the Home Office?

3.4 Andrew Leak - there were more organisations already working in the community than might be realised. Many would be hesitant to take government money. On the other hand, AF had shown it was possible. There were red lines and those were never broken. The government had accepted all the recommendations.

3.5 Tahlia Dwyer - The recommendations included that ATDs should be business as usual. UNHCR had been somewhat surprised that this had been accepted by government; perhaps it was understood differently by some. For UNHCR, 'business as usual' meant ATDs applying across the board. It did not mean ATDs just for some cohorts (e.g. vulnerable people, women) or simply repeating pilots.

3.6 Andrew Leak - UNHCR had focused quite a lot on building expertise. It had run workshops with AF. They had gathered insights from organisations in Cyprus, Canada and Sweden to inform the design of the pilot. The insights could be shared and UNHCR could help with training local organisations if helpful.

3.7 Emily Malcolm - It was possible to fit the pilot to different types of organisation. The organisation running the second pilot for example did not offer accommodation. The results from it would therefore be very useful to see, since many organisations who might want to deliver ATD programmes do not offer accommodation. Other models were also possible e.g. adding a support worker element into hosting schemes.

3.8 Hywel Williams MP - The offer to assist local organisations was welcome. The impact on people's mental health due to the lack of published criteria for the Rwanda scheme was already very visible amongst constituents.

3.9 Alison Thewliss MP - The focus of many refugee organisations was to help people put their case to the Home Office and apply to stay in the UK. In light of that, how was the issue of AVR handled?

3.10 Emily Malcolm - It was a difficult process. However, staff had said it felt better to give participants the opportunity to decide their future, rather than remaining in limbo. Participants had the chance to talk through what AVR would involve, which they had not had in detention. That gave some hope.

3.11 Tahlia Dwyer - participants in the pilot had access to information, felt empowered and were less stressed than in detention. They were able to take informed decisions on their future - that was the measure of success, not how many people took up AVR.

3.12 Andrew Leak - some participants in the pilot had received poor quality legal advice previously e.g. making applications that were not relevant, or appealing when success was unlikely. The pilot showed that when people got good advice and a real understanding of their case, difficult decisions like AVR were easier.

3.13 Baroness Lister of Burtersett - the evaluation reported that participants required almost double the number of days than originally budgeted for. Why was that? Did it need to be taken into account for scaling up? Also, was there another pilot that had been discontinued?

3.14 Andrew Leak - the pilot had been well designed, but learning also occurred as it was being delivered. For example, the legal counselling element did not exist initially - it was initially a referral to a legal aid manager. Also Covid-19 reduced people's ability to access the pilot. This meant there was more capacity to help those who were taking part, so more was offered.

4. Close

4.1 The Chair thanked the speakers and drew the meeting to a close.