***Home Office briefing to councillors, annotated by No To Hassockfield***

**DERWENTSIDE IRC**

**FACTSHEET**

The use of a new name, ‘Derwentside’, for the new use of this site is a transparent attempt to hide the long history of physical and sexual abuse in penal institutions at Medomsley. Abusive culture breeds violence and institutional failures have a habit of repeating themselves. No consultation with the local community was carried out before the plans were announced, despite the history of the site. In the 1960s, 70s and 80s, thousands of boys held at the Medomsley Detention Centre on this site endured horrific abuse. 1,800 complaints detailing abuse have been made by survivors. When the facility was reopened and renamed Hassockfield Secure Training Centre the violence continued, causing a 14 year old child imprisoned there to take his own life. The centre was finally closed in 2015.

**Nationality and Borders Bill – New Plan for Immigration**

The Nationality and Borders Bill is the cornerstone of the government’s New Plan for Immigration, delivering the most comprehensive reform in decades to fix the broken asylum system. The Bill – and the wider plan – has 3 key objectives:

* To make the system fairer and more effective so that we can better protect and support those in genuine need of asylum.

The ‘broken system’ is the one created by the government, which includes inhumane detention, and forces people to wait for years in limbo before an asylum claim is resolved, without the right to work and on income well below poverty level. The Bill – widely known as the ‘Anti Refugee Bill’ - resolves none of that.

*‘If the Bill is passed in its present form that will be to renege on this country’s*

*international law commitments and significantly reduce the already modest contribution*

*made by the UK to providing a place of safety to people forced to flee conflict and*

*persecution.’ –* Amnesty International/MigrantVoice briefing, July 2021: <https://www.migrantvoice.org/img/upload/Joint_MV_AIUK_Nationality_and_Borders_Bill_2021_.pdf>

* To deter illegal entry into the UK breaking the business model of criminal trafficking networks and saving lives.

By deterring legal entry, the government forces people to take unapproved and dangerous routes.

* To remove from the UK those with no right to be here.

**Detention**

* Immigration detention makes an essential contribution to tackling illegal migration and protecting the public.

‘Illegal migration’ is a highly charged term for people who may have failed to renew a visa, or been forced to arrive in the country by means not approved of by the government. ‘Protecting the public’ is another such term: the people held in immigration detention centres would, if not detained, pose no threat to the rest of us.

* Decisions to detain are taken on a case by case basis. Published Home Office detention policy is clear that detention must only ever be used sparingly and for the shortest period necessary. There is a presumption in favour of liberty for all individuals.

This is not borne out by the evidence. Official figures show the majority of detentions are unnecessary. In 2018 86% of women detained were later released back into the community - but not before they had been re-traumatised by being unnecessarily locked up in the UK.

**Removal estate**

* The Home Office currently operates seven immigration removal centres (IRCs) throughout the UK, (six in England and one in Scotland) and two residential short term holding facilities (STHF) (one in Northern Ireland and one in England) operated either under private contract or through service level agreement with Her Majesty’s Prison and Probation Service (HMPPS). Additionally, the Home Office operates one pre-departure accommodation for families (PDA) at Gatwick.
* The estate is kept under review to ensure that the Home Office has sufficient resilience, geographical footprint and capacity for the men and women it is necessary to detain for the purposes of removal, while providing value for money.
* A systematic approach to modernisation and rationalisation of the detention estate is improving further the quality of the provision and ensuring that we have the geographical footprint and resilience to meet future need.

The needs of the women to be detained will not be served however. Hassockfield is in a locality that has few specialists in helping women get asylum. That means that women sent to Hassockfield will have little chance of getting accurate information about their rights, capable interpreters, and skilled legal support to enable a successful asylum claim.

Hassockfield is far away from airports which handle deportations. It is an illogical and expensive site to use as an IRC.

* Once Morton Hall closes at the end of July 2021, the immigration removal estate will be around 50% smaller than in 2015 but of a far better quality.
* We will retain provision to hold small numbers of women in Yarl’s Wood (Bedford), Colnbrook (Heathrow) and Dungavel (Scotland) for those who have a compelling compassionate requirement to be placed outside the north east.

**Use of detention**

Immigration detention is an inhumane practice that has been responsible for the harm and traumatisation of migrant communities: <https://www.refugeewomen.co.uk/campaign/research/> ;

<http://www.medicaljustice.org.uk/healthcare-in-detention/mental-health-services/>

The UK is alone among the 47 Members of the Council of Europe to use the inhumane practice of indefinite detention. Many people with lived experience of detention have described it as prison-like or worse in its conditions.

‘J’ from the Abolish Detention campaign was detained for over 6 months in the Colnbrook, Harmondsworth, and Campsfield Immigration Removal Centres in the UK. *‘Detention is a horrible place,” they said. “It is worse than prison because when you’re in prison at least you have a release date which gives you hope. When I was in detention I suffered a lot of mistreatment. I was sent to the segregation block. I was isolated there for a long time, for refusing to get locked up behind a door. You have to do everything just inside your little cell. I wouldn’t wish it on anybody.’*

Unless stated, the source of this data is taken from the gov.uk website at following link: <https://www.gov.uk/government/collections/immigration-statistics-quarterly-release> .Figures are for those detained solely under Immigration Act powers in the detention estate which includes all IRCs, STHF, PDA and HM Prisons.

* In the year ending March 2021, data shows that the overwhelming majority of people (97%) who left detention were detained for less than 6 months, and 79% were detained for 28 days or less. Virtually all those held for more than 6 months are Foreign National Offenders.

Even a short period of immigration detention, which often happens without warning, unexpectedly and has no time limit, has a negative impact on a person’s mental health and may be lastingly traumatic: <https://www.researchgate.net/publication/329463666_The_impact_of_immigration_detention_on_mental_health_A_systematic_review>

* There were 1,033 people detained as at the end of March 2021, down from 1,637 people who were detained as at the end of December 2019 (prior to the pandemic). Of the 1,033 people, one was a child, 1,008 were male and 25 were female [Migration Statistics].

In 2019, pre-Covid, over 24,000 people were detained per year, solely under immigration powers in the immigration removal estate. The number of people entering detention in the year ending March 2021 was 12,967, 44% less than the previous year. Although in part affected by the COVID-19 pandemic, this continues a general downward trend since 2015, when the number of people entering detention peaked at over 32,000.

Reductions in numbers of people detained and numbers of immigration detention centres are very much to be welcomed; they result from a sustained movement across civil society and in parliament over several decades.

**Safeguards for people in detention**

* Once a person is in detention, regular reviews are undertaken to ensure that their detention remains lawful, appropriate and proportionate.

*‘The*[*Home Office*](https://www.independent.co.uk/topic/home-office)*was forced to pay out a record in compensation for wrongful detention under immigration powers last year. Payouts amounting to £9.3m were made to 330 people – roughly £25,500 a day in the 12 months to April 5.’* - *Independent*, 9 July, 2021: <https://www.independent.co.uk/news/uk/home-news/home-office-unlawful-detention-compensation-b1881125.html> . 330 is a high figure when set against *‘The number of people entering detention in the year ending March 2021 was 12,967’* (see below) and the additional numbers of wrongful detention likely not to have been reported.

* Case Progression Panels provide additional assurance and challenge on the progress of cases of individuals in detention and review the continuing appropriateness of detention and adherence to detention policies, including the Adults at Risk policy.
* Detention Engagement Teams are present in all IRCs. They engage with those detained to help with issues or queries regarding their immigration case.
* Every 28 days, those detained receive a monthly report from their case owner to inform them of the progress and the steps being taken to affect their removal.

**The case management of a detained individual**

Detained casework commands are the different teams that manage the detention of different cohorts of individuals detained. The Home Office describes the detained casework commands as follows.

* Border Force (BF) is a Home Office directorate and as an operational command manages detainees for a short period from arrival at Port. The detention period is from day one.
* FNO Returns Command (FNO RC) is part of Home Office Immigration Enforcement and as an operational command manages foreign national offenders through the deportation and removal process. The detention period is from day one and can follow custodial detention.
* The National Returns Command (NRC) is part of the Home Office Immigration Enforcement directorate and as an operational command manages immigration offenders through the removal process. The detention period can be from day one or can follow a period of detention with Border Force.
* The Detained Asylum Casework (DAC) team is part of the National Returns Command and manages those who claim asylum while detained within the National Returns Command or Border Force. The detention period is rarely from day one and predominantly follows detention in the National Returns Command (as an immigration offender) and or Border Force.

**Services and facilities in immigration removal centres**

* The rights of all detained individuals are safeguarded by the Detention Centre Rules, published Operating Standards for Immigration Removal Centres (IRCs) and individuals under escort and Detention Services Orders [Detention services orders - GOV.UK (www.gov.uk)](https://www.gov.uk/government/collections/detention-service-orders) . Derwentside will be operated in line with these regulations.
* Healthcare in all immigration detention facilities in England is commissioned by NHS England.  The exceptions to this are Dungavel House IRC in Scotland, and Larne House Short Term Holding Facility in Northern Ireland where healthcare is commissioned by the service providers.

In all cases, health services in immigration detention centres are provided by for-profit companies paid by the NHS.

* All IRCs have dedicated health facilities run by doctors and nurses managed by the NHS or appropriate providers. Detained individuals arriving at IRCs are medically assessed by a nurse within two hours of their arrival and offered an appointment with a doctor within 24 hours. Individuals also have access to medical assistance whilst they are in an IRC.
* Welfare teams at each IRC support detained individuals in accessing other means of support specific to their needs.
* Detained individuals are advised of their right to legal representation, and how they can obtain such representation, within 24 hours of their arrival at an IRC.
* The Legal Aid Agency (LAA) operates free legal advice surgeries in IRCs in England. Individuals who are detained are entitled to receive up to 30 minutes of advice regardless of financial eligibility or the merits of their case. Legal visits and email/phone/Skype contact can be arranged seven days a week.
* All individuals in Immigration Removal Centres are also provided with a mobile phone and have access to landline telephones on request, fax machines, email and video calling facilities which can be used to contact legal advisers, family and friends. During the pandemic, those detained have received an additional £10 phone credit to help maintain family and legal ties.

‘Services and facilities’ can only palliate the impact of unjust detention, which can be traumatic.

**Oversight and inspection**

* We take the welfare and safety of people in our care very seriously and will accept nothing but the highest standards from service providers contracted to manage the removal estate and the escorting process.
* Independent scrutiny is a vital part of assurance that our detention facilities are safe, secure and humane. Robust statutory oversight is provided by HM Chief Inspector of Prisons and Independent Monitoring Boards (IMB) in each centre, ensuring that detained individuals are treated with proper standards of care and decency.

It should be noted that the Independent Monitoring Boards and the Chief Inspector of Prisons are in fact appointed by the government. Their remit excludes criticism of the policy of immigration detention. Despite this limitation, there have been many critical reports by IMBs and HM Inspectorate of Prisons of immigration detention centres. But, this Panorama programme on Brooke ‘House’ detention centre is proof that gross abuse remains undetected by this ’robust oversight’: <https://www.youtube.com/watch?v=_fp0QLDKgME>

**Releases from detention**

* People may be released from detention and given immigration bail for a range of reasons. They may make further applications (such as an asylum claim), lodge appeals or other legal proceedings, or there may be a material change in their circumstances and detention is no longer appropriate.
* Individuals released from detention, but who are still subject to immigration control, are liable to be managed in the community through a range of bail conditions.
* Those released will return to their previous ‘home’ location in the UK. There is no expectation that Durham County Council will accommodate people released from Derwentside.

**Derwentside IRC**

* The Ministry of Justice has given notice that they will take back Morton Hall IRC in Lincolnshire this month (July) for reconversion into a prison facility**.**
* The Home Office has acquired the former Hassockfield Secure Training Centre in County Durham and will open it as an immigration removal centre (Derwentside IRC) by the autumn. The proposed site will provide modern, decent and secure accommodation for 84 women.
* Mitie C&C Ltd has been appointed to manage Derwentside IRC. The 2-year contract was signed on 4 June 2021, with the opening of the IRC scheduled for the start of October 2021.

Mitie is notorious for their poor employment practices. GMB and Unison report frequent complaints from Mitie staff of underpayment and poor working conditions. Mitie also runs Harmondsworth and Colnbrook Immigration Removal Centres, which have been reported as poorly run, with a recent inspection finding “the accommodation was in a generally grubby condition” as the “standard of repair and hygiene was inadequate throughout”. The Home Office supports Mitie exploiting vulnerable detainees by paying them £1 an hour to do tasks such as cleaning.

<https://www.gmb-southern.org.uk/news/gmb-members-at-mitie-to-protest-st-helier-hospital>

<https://m.huffingtonpost.co.uk/entry/revealed-which-private-firms-won-governments-hotel-quarantine-contracts_uk_602d4732c5b6cc8bbf389f2f>

* Derwentside will replace Yarl’s Wood as the main IRC for detained women and is a new, smaller, facility that will maintain the standards and high expectations for the detention of women.

For a report on the abuse that actually went on inside Yarl’s Wood, see the Channel 4 report at <https://www.youtube.com/watch?v=EkyvmvIn5HA>

* Derwentside will hold a mixture of time-served foreign national offenders and immigration offenders while we prepare to remove them from the UK.

‘Immigration offender’ is another highly charged term of the kind noted under ‘Detention’ above. ‘Time-served foreign national offenders’ have done their time and should not be subject to the double punishment of further detention and deportation.

* We expect approximately 200 permanent jobs to be created when the centre is fully operational.  Mitie C&C Ltd are currently recruiting staff for the centre.

On the likely quality of jobs, see comments on Mitie above.

* The workforce requirements will reflect the lessons learned from detaining women at Yarl’s Wood IRC and will include a ratio of female to male custodial staff that is appropriate for the specific needs of women in detention.
* The training requirements for staff will be equivalent to those for Yarl’s Wood IRC. All staff working with women must receive appropriate gender specific training (such as the protocol for entry to bedrooms), in addition to any generic training they receive when they undergo initial training. Appropriate refresher training should be undertaken, to include equality and diversity, human trafficking and modern slavery.

Many victims of trafficking are detained in the UK. Between January 2019 and September 2020, 4,102 people who were referred into the UK’s modern slavery framework (the National Referral Mechanism, or ‘NRM’) were locked up in detention. In 2020 alone, despite a significant overall reduction in the use of detention due to the Covid-19 pandemic, 969 people with trafficking indicators were detained. Between 2017 and 2019, the detention of potential trafficking survivors tripled, from 410 to 1256 people locked up. *‘The detention of thousands of people who are potentially trafficking victims … it is the inevitable outcome of the hostile and neglectful system that has been put in place.’* See: <https://www.refugeewomen.co.uk/survivors-behind-bars/>

The Home Office acknowledges an **increase in detained trafficking victims**‘may be an effect’ of new policy passed through Parliament without scrutiny: <http://www.medicaljustice.org.uk/mps-have-30daystoact-for-detained-trafficking-victims/>

* A full range of recreational and healthcare facilities tailored to women will mirror those currently operated at Yarl’s Wood and will include a cultural kitchen, hair and beauty salon, the ability to purchase items from a shop, access to a computer suite, education, well being services, welfare and access to legal services. Multi faith/prayer rooms will also be available to residents.

‘Well-being services’ and immigration detention are incompatible.

* Visits will be facilitated in line with those in other centres. Visitors arriving at the nearest main train station will be transported to the centre.

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<https://notohassockfield.org.uk>