



## Written evidence to the Immigration Bill Committee 2015

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Submission by René Cassin

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## About René Cassin

1. René Cassin is a UK-based human rights non-governmental organisation that works to promote and protect universal human rights, drawing on Jewish experience and values. Throughout history, Jewish people have been forced to seek asylum from persecution many times. We believe that the British public and the Jewish community in particular, have an important stake in maintaining domestic protection for vulnerable minority groups, including refugees and asylum seekers. René Cassin works to promote and protect the rights of asylum seekers, especially those detained and deprived of their liberty for indefinite periods of time.

## Introduction

2. The lack of a time limit on how long asylum seekers can be detained results in periods of detention which can last a number of years. This policy in effect means that the UK has thousands of people locked up every year without a trial and without a time limit. As a result, detention has been described as ‘worse than prison because in prison you count your days down and in detention you count your days up...and up...and up’<sup>1</sup>.
3. There have been numerous calls for a time limit to be introduced to the detention system in the UK. These have come from sources such as the UN Committee against Torture<sup>2</sup>, the Equality Commission<sup>3</sup>, HM Inspector of Prisons<sup>4</sup> and the Joint Inquiry by the All Party Parliamentary Groups on Refugees and Migration<sup>5</sup>. We believe their advice should be followed and a **28-day time limit should be inserted into the Immigration Bill**. This would bring the UK into line with the rest of the European Union, save a significant amount of public money and restore the UK’s proud and longstanding tradition of protecting human rights and civil liberties.

## The Legal Argument

4. While the UK does not explicitly have a policy of indefinite detention, in practice it operates as such. The Hardial Singh principles<sup>6</sup>, which limit the

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<sup>1</sup> This comes from a speech delivered by a man called Souleymane, of the Freed Voices Group. Full speech available here: <http://detentionaction.org.uk/indefinite-detention-this-is-happening-on-your-doorstep>

<sup>2</sup> UN Committee Against Torture, Concluding Observations on the Fifth Periodic Report of the United Kingdom.

<sup>3</sup> Equality Commission and Human Rights Commission, *Is Britain Fairer? The state of equality and human rights 2015*.

<sup>4</sup> HM Inspectorate of Prisons, *Report on an unannounced inspection of Yarl’s Wood Immigration Removal Centre*, 2015.

<sup>5</sup> All Party Parliamentary Groups on Refugees and Migration, *The Report of the Inquiry into the Use of Immigration Detention in the United Kingdom*, 2015.

<sup>6</sup> See ILPA Information Sheet: ‘Detention 2’ May, 2015.

scope of detention, contain the requirement that the period of detention must be 'reasonable in all circumstances'. This leads to a lack of clarity over the length that asylum seekers can stay in detention. This uncertainty is not only damaging to the mental health of detainees, it gives rise to the possibility of asylum seekers being held *without charge* for inordinate periods of time and goes against one of the fundamental pillars of the rule of law, legal certainty. Introducing a **28-day time limit** would help to resolve all of these issues.

## The Efficiency Argument

5. The use of detention is on the rise. Since 2008, the numbers of asylum seekers in detention has increased by 35%, yet numbers of enforced removals have actually declined by 24%<sup>7</sup>. This suggests that detention is increasingly seen simply as a means for warehousing people, out of sight and out of mind.
6. Without a time limit, Home Office officials have no clear deadline by which to decide to return asylum seekers. It creates an inefficient system that lacks urgency in the decision making process and results in vulnerable people being detained for periods far longer than is necessary.
7. The absence of a time limit seems all the more illogical with the knowledge that the longer a person is detained, the less likely they are to be removed from the UK. According to 2013 Home Office statistics, only 37% of those released from detention after more than a year were removed or deported. Almost two-thirds were released back into the UK, their protracted, traumatic and expensive detention effectively having served no purpose. By contrast, 57% of people detained for under 28 days left the UK.<sup>8</sup>

## The Political Argument

8. The UK is unique within the EU for having no time limit on detention and routinely detaining asylum seekers for years. It is the only Member State of the EU to not sign up to the EU Returns Directive, apart from Ireland which sets its own time limit of 21 days.
9. Britain has a proud tradition of upholding civil liberties. However, as the 2015 Parliamentary Inquiry into the Use of Detention in the United Kingdom concluded, 'the continued use of indefinite detention puts this proud tradition at risk'<sup>9</sup>. The UK is lagging behind its European counterparts on this

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<sup>7</sup> Enforced removals fell from 17,239 in 2008 to 13,051 in 2013. Home Office, *Immigration Statistics, Key Facts*.

<sup>8</sup> Home Office, Immigration Statistics Oct. – Dec. 2013, Detention, table dt\_06.

<sup>9</sup> See above, no.5. P33.

issue. A **28-day time limit** would reinforce its proud tradition and help restore the British reputation on the world stage.

## The Financial Argument

10. Indefinite detention is an expensive system for two reasons: the actual cost of detaining asylum seekers at Immigration Removal Centres and the amount in compensation that the UK government has had to pay to those unlawfully detained. Independent researchers found that the amount of tax payers' money spent detaining those who are eventually released is £76 million each year<sup>10</sup>. The introduction of a **28-day time limit** would help identify unreturnable people much earlier and greatly reduce this exorbitant figure.

## Summary

11. It has been demonstrated that indefinite detention is not only an expensive system, but also an uncertain one which undermines the UK's tradition of protecting civil liberties. **The Immigration Bill provides the perfect opportunity for an amendment setting a 28-day time limit on detention.** René Cassin believes this is an opportunity which should not be missed.

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<sup>10</sup> Matrix Evidence, *An Economic Analysis of Alternatives to Detention, Final Report Sept. 2012.*