



# Written evidence to the Joint Select Committee on Human Rights

## Legislative scrutiny of the Immigration Bill

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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. The Jewish people have been forced to seek asylum from persecution many times throughout their history. Due to this experience we believe that the Jewish people should encourage the protection of human rights for other groups including asylum seekers.
2. In our efforts to do so, we have been at the centre of mobilising the inter-faith campaign to end indefinite detention; we have taken Rabbis to Harmondsworth Detention Centre and have engaged Jewish and non-Jewish communities through numerous public events. René Cassin continues to fight for the rights of asylum seekers, especially those detained and deprived of their liberty for indefinite periods.

## Introduction

3. René Cassin believes that the Immigration Bill could do more to enhance the protection of human rights. We believe Amendment 32, which would introduce a 28-day time limit to asylum detention, should be inserted into the Bill. At present there is no statutory time limit meaning that the UK effectively operates a policy of indefinite detention of asylum seekers.
4. It should be noted that calls for a time limit are coming from a wide array of influential rights organisations. These include the UN Committee against Torture<sup>1</sup>, the UN Human Rights Committee<sup>2</sup>, the Equality and Human Rights 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>. René Cassin believes it is time to listen to these established voices and introduce a time limit on detention.

## How the current system infringes human rights

5. While the UK does not explicitly have a policy of indefinite detention, in practice it operates as such. The Hardial Singh principles, which limit the scope of detention, contain the requirement that the period of detention must be 'reasonable in all circumstances'. The government has relied on

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<sup>1</sup> UN Committee Against Torture, Concluding Observations on the Fifth Periodic Report of the United Kingdom.

<sup>2</sup> UNHRC, Concluding Observations on the Seventh Periodic Report of the United Kingdom, 2015

<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.

these principles to argue there are time limits on detention. However, the issue is there is no real clarity over the application of the Hardial Singh rules. This lack of clarity is responsible for significant numbers of asylum seekers spending years in detention

6. The policy of indefinite detention leads to asylum seekers regularly spending excessive periods of time in detention; it is also particularly damaging to their mental health. Detainees regularly describe the worst part of detention being the uncertainty surrounding how long they will be locked up. In a view shared by many, one former detainee described detention as being 'worse than prison because in prison you count your days down and in detention you count your days up...and up...and up'<sup>6</sup>.
7. In July last year the High Court found that a young woman's Article 3 Convention right (freedom from inhuman or degrading treatment) was breached after she developed a 'severe' mental illness over the 17 months she was kept at Yarl's Wood Immigration Removal Centre. Shortly after her release, the Home Office reversed its decision to cancel her entry clearance, acknowledging that the initial detention was unnecessary. This is just one of a number of cases where some of the most vulnerable people have their Convention rights breached by the UK government. A time limit would reduce how long asylum seekers could spend in detention and, in doing so, reduce the number of this country's human rights violations.

### **The UK as an outlier in the European Union**

8. The UK is lagging behind its European counterparts on this issue. It is one of only two Member States to not sign up to the EU Returns Directive. The only other State is Ireland which sets its own time limit of 21 days. We have a proud tradition of upholding human rights and civil liberties in this country, but the continued use of indefinite detention puts this tradition at risk. This point needs to be stressed. We are the *sole* member of the European Union to indefinitely detain asylum seekers. When the UN Committees against Torture and on Human Rights are calling for a change, it is time to listen.

### **The Way Forward**

9. The Immigration Bill is currently passing through Parliament. Amendment 32 provides the perfect opportunity to introduce a time limit. The Bill was recently debated in the House of Commons where it was clear there was cross-party support for a time limit. The second reading of the Immigration

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<sup>6</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> (last accessed 09/12/15).

Bill is set to take place on 22<sup>nd</sup> December in the House of Lords, before a further debate in January. René Cassin urges the Joint Committee to consider the compelling case for a time limit and convince fellow Parliamentarians and the government to introduce Amendment 32.