



Detaining the Destitute
PAFRAS Briefing Paper
Number 2

November 2007

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PAFRAS Briefing Papers

PAFRAS (Positive Action for Refugees and Asylum Seekers) is an independent organisation based in Leeds. By working directly with asylum seekers and refugees it has consistently adapted to best meet and respond to the needs of some of the most marginalised people in society. Consequently, recognising the growing severity of destitution policies, in 2005 PAFRAS opened a 'drop-in' providing food parcels, hot meals, clothes, and toiletries. Simultaneously experienced case workers offer one-to-one support and give free information and assistance; primarily to destitute asylum seekers. PAFRAS works to promote social justice through a combination of direct assistance, individual case work, and research based interventions and analysis.

Below an underclass, destitute asylum seekers exist not even on the periphery of society; denied access to the world around them and forced into a life of penury. To be a destitute asylum seeker is to live a life of indefinite limbo that is largely invisible, and often ignored. It is also a life of fear; fear of detention, exploitation, and deportation.

It is from the experiences of those who are forced into destitution that PAFRAS briefing papers are drawn. All of the individual cases referred to stem from interviews or conversations with people who use the PAFRAS drop-in, and are used with their consent. As such, insight is offered into a corner of society that exists beyond the reach of mainstream provision. Drawing from these perspectives, PAFRAS briefing papers provide concise analyses of key policies and concerns relating to those who are rendered destitute through the asylum process. In doing so, the human impacts of destitution policies are emphasised.

The second of these briefing papers focuses on the use of detention as a tool of asylum policy. There have been a number of informative and vital research reports on detention by campaigners, journalists, and researchers. What follows draws from this body of work, whilst at the same time focusing in particular on the links between destitution and detention in asylum policy. Interviews with five people are combined with data regarding whether people who use the PAFRAS drop-in have been detained at some point in their asylum claim.

The results raise a number of questions about the criminalising effects of detention, and its link to policies which engender destitution.

The 'detention estate'¹

You get taken to one place, then another, then another. Airports, cells, sometimes you don't know where you are and they are all different. But one thing is always the same. You cannot leave until they let you. (Ethiopian asylum seeker)²

There are ten Immigration Removal Centres in England used, in rhetoric, to hold people due to be removed from the country, whilst people's claims are being fast-tracked, where there is suspicion that they may fail to comply with conditions attached to their release, or to hold people who are to be forcibly removed.³ They currently hold, according to the most recent Home Office Quarterly Asylum Statistics, 1,435 'asylum detainees' solely under Immigration Act powers.⁴ This figure, however, is a 'snap shot' of only a particular given time. Asylum seekers can be held at any time, without Judicial Scrutiny, and according to research by Amnesty International in 2004 alone up to 25,000 people may have been detained at some point.⁵ These are people that are held indefinitely – not necessarily having committed any form of offence. Some are children, and many have been detained for up to a year. Untold numbers of people are further detained each year outside Immigration Removal Centres, in prisons, and police cells. Whilst figures for these are not available, the use of detention in such contexts is substantial and, for example, in the financial year 2003-4 the Immigration Service used police detention for a total of 31,033 nights.⁶

Detaining destitute asylum seekers – coercion and criminalisation

¹ The detention estate is terminology used by the Head of the National Audit Office. See Bourn, J. (2005) *Returning Failed Asylum Applicants: Report by the Comptroller and Auditor General*, London: the Stationary Office, p. 4.

² Interview with author, October 2007.

³ Bail for Immigration Detainees. (2007) *Immigration Detention in the UK – key facts and figures*, Briefing, June, London: Bail for Immigration Detainees, p. 1. As BID have noted, there are also 'short term holding facilities' in Manchester, Dover, Harwich and Colnbrook.

⁴ Home Office. (2007) *Asylum Statistics Second Quarter United Kingdom*, London: Home Office, p. 10.

⁵ Amnesty International. (2005) *Seeking asylum is not a crime: detention of people seeking asylum*, London: Amnesty International, p. 7.

⁶ Pelham, C. (2004) *Review of Resourcing and Management of Immigration Enforcement*, London: Home Office, p 32. It is important to note that this figure does not only refer to people involved in the asylum process.

As Liz Fekete of the Institute of Race Relations has argued detention is frequently used for 'administrative rather than punitive purposes'.⁷ That is, detaining asylum seekers is an inherent part of the asylum system; underpinned by a number of principles ranging from pre-deportation to deterrence.

In this context, the use of detention has created an embryonic link, in asylum policy, between destitution and deportation. The majority (although by no means all) of asylum seekers forced into destitution have had their claims rejected and are liable for forcible removal from the country. As such, the potential of being detained is a monolithic and ever present fear. Moreover, this fear is well founded.

The use of detention as a means in which to assist the deportation of destitute asylum seekers manifests itself in a number of ways. Well documented 'dawn raids' often target particular groups of destitute asylum seekers. Taking them from properties where they may be staying in order to place them in holding facilities before their removal. Moreover, as has been noted elsewhere deportation measures are frequently politically rather than 'intelligence led'.⁸ Aside from such practices, however, detention is used in conjunction with reporting requirements in order to facilitate removal. Where a claim for asylum is rejected, the applicant is still obliged to maintain contact with the Border and Immigration Agency (BIA) by reporting to them at regular intervals. This places the individual in a form of quasi-legal 'catch 22'. Reporting centres frequently double as short term holding facilities and registering with them can lead to detention. Yet failure to report can lead to increased attention from the state, and further, be taken as a sign of unreliability. Not surprisingly this has led to a situation where some people refuse to report, through fear of deportation, and as one individual explained:

*I sign with them and they are going to take me. But if I run they will chase me. I have nowhere to turn no choices left.*⁹

⁷ Fekete, L. (2007) *They are Children Too: A study of Europe's deportation policies*, London: Institute of Race Relations, p. 10.

⁸ It has been suggested that where case law looks likely to halt deportations to a given country, targeted deportations have sought to pre-empt the decision by detaining and deporting nationals of that country before the judgment is made. See, for example, PAFRAS. (2007) *PAFRAS Newsletter 3 July-August*, Leeds: PAFRAS, p. 4.

⁹ Interview with author, August 2007.

In this way, whatever choice individuals in this situation make coerces them into facilitating their own detention, and potentially deportation. This is underpinned by practices within Immigration Removal Centres which – according to at least one asylum seeker who has previously been detained – suggest that staff have forced people to sign travel documents so they can more easily be removed from the country.¹⁰

Such principles, underpinning the detention of destitute asylum seekers are legitimised by a policy environment which criminalises those who have had their claims rejected. And detention is utilised, in this context, to reinforce a framework wherein attempting to access basic means of survival is duly punished. Taking up employment – no matter how exploitative or dangerous – can and frequently does lead to arrest and incarceration.¹¹ Whilst further, the assent of the UK Borders Bill, on 31 October 2007, has engendered greater sharing of biometric data. As the Joint Council for the Welfare of Immigrants warned earlier this could be utilised to create a 'watch list' of irregular migrants through which the detention and deportation of those who try and access services could be more easily facilitated.¹²

Ultimately, it is criminalisation then that ties destitution to detention. Yet not only is this through coercing removals from the country, or by criminalising those who attempt to work or access statutory services. For some the lived experiences and fear of destitution can coerce people into detention. One individual explained that he was forcibly removed from detention by four security officers; terrified and struggling as he had no money and nowhere to go.¹³ Whilst another person described how he came to a point where he wanted to be detained, no matter the repercussions, in order to eat and be given shelter:

*I don't know how long I had been homeless but I was cold, tired and hungry and it was killing me. I did not care anymore what happened if I was detained. I just wanted to eat.*¹⁴

Incarceration markets

In this framework, a detention regime which

¹⁰ Interview with author, October 2007.

¹¹ See for example Kundnani, A. (2007) *The End of Tolerance: Racism in 21st Century Britain*, London: Pluto, p. 63.

¹² See the discussion of this point in PAFRAS. (2007) *PAFRAS Newsletter 2 May-June*, Leeds: PAFRAS, p. 3.

¹³ Interview with author, October 2007.

¹⁴ Interview with author, October 2007.

coerces removal and holds those who are criminalised has been contracted out in a market of incarceration. Of the ten Immigration Removal Centres seven are privately run and, of these, the majority can hold destitute asylum seekers prior to removal. The financial value of these contracts is substantial and for example in 2003 Serco, in a joint venture with Wackenhut Corrections, secured a contract to (re)build and manage Harmondsworth Immigration Removal Centre. The facility was worth an estimated £48m, with an eight year operating concession worth £18 million per year.¹⁵

Moreover, detaining asylum seekers outside of Immigration Removal Centres further involves financial gains. Research for the Home Office estimated that in the 2003-4 financial year the Immigration Service paid police authorities, on average, £360 for every 24 hour period an individual was kept in cells.¹⁶

As Harmit Athwal has discussed though, detention has 'human' as well as financial costs.¹⁷ Self-harm by detainees is frequent and, according to the National Coalition of Anti-Deportation Campaigns (NCADC) an incident every other day requires medical intervention.¹⁸ According to one male asylum seeker, who has been detained in four different places, this culture of self-harm fosters in an environment where people are detained without having committed any form of offence:

*These places are prisons. No matter what they call them they are prisons. There are people trapped for years in these places sometimes and what have we done wrong? Detention breaks your morale. People hurt themselves because it becomes too much in the end.*¹⁹

And tragically, examples where detention had become 'too much' has led to fatal results. Harmit Athwal has documented suicides of 5 asylum seekers in Harmondsworth alone since 1989.²⁰ One individual who was detained whilst destitute explained that suicide, at that point, was at the forefront of his mind:

*It was very, very bad. I had never been in a cell before. I could not eat the food. I was panicking, shaking and crying. The officers were really nasty to me and they just peered in my cell and laughed. Then they would bang the hatch closed. I don't know why I was handcuffed, I am not a criminal. I just wanted to end it all at that point. I wanted it all to end.*²¹

Conclusions

The psychological impacts of detention have been discussed in a number of vital research reports. All of them draw emphasis to the particularly devastating effects that detention has and, without wishing to suggest that for those who have been destitute these effects are 'worse', they are compounded when combined with fears of forced removal from the country.

Destitution and detention are explicitly linked through a policy which criminalises asylum seekers whose claims are rejected. All asylum seekers are liable to be detained at any point. Whilst for the destitute, detention is utilised in a number of ways to coerce removal. Regular dawn raids seeking to find those who are liable for removal foster a climate of fear. And this is underpinned by a policy programme which demands that those who have been refused asylum maintain contact with immigration authorities. That this places 'refused' asylum seekers in an impossible situation is often ignored. But what is created is a climate wherein many destitute asylum seekers fear to report increasing numbers of racist attacks in case this leads to detention and deportation.²²

In this context the suffering of destitute asylum seekers – already condemned to a life beyond the margins of society – is further silenced by a coercive policy climate which uses destitution as a policy to remove people from the country.

Published by Positive Action for Refugees and Asylum Seekers (PAFRAS) © November 2007

Positive Action for Refugees and Asylum Seekers

Registered Charity No. 1120950

Company No. 5751987

Registered Address: PAFRAS C/O CHART, 269 Roundhay Road, Leeds, LS8 4HS

¹⁵ Contract Journal. (2003) 'Serco scoops Harmondsworth detention centre', Contract Journal Online, 6 March.

¹⁶ Pelham, C. (2004) *Review of Resourcing and Management of Immigration Enforcement*, London: Home Office, p. 31.

¹⁷ Athwal, H. (2004) 'The human cost of immigration detention', *IRR News Service Online*, 5 August.

¹⁸ Cited in Doward, J. (2007) 'Self-harm soars among detainees', *Observer Online*, 20 May.

¹⁹ Interview with author, October 2007.

²⁰ Athwal, H. (2006) *Driven to desperate measures*, London: Institute of Race Relations, p. 3.

²¹ Interview with author, September 2007.

²² PAFRAS. (2007) *Submission to the Independent Asylum Commission*, Leeds: PAFRAS, para. 5.1.3.