



The Leader of the House of Lords

Baroness Afshar
House of Lords
London
SW1A 0PW

16th March 2010

Dear Halah

I am writing to thank you for your attendance at the Opposition Debate for International Women's Day in the House of Lords on 4th March 2010 and follow up on my commitment to respond to the points you raised regarding the recent protests at the Yarl's Wood Immigration Removal Centre.

I do share your concerns about the recent press coverage on the protests in Yarl's Wood. There is no doubt that the allegations, raised by the protesters and campaigning organisations that are working on their behalf, are very serious. I have raised your concerns with the UK Borders Agency (UKBA) and my response is based on their advice. Given their advice and reassurances, I think it is essential that we are careful to consider the circumstances before accepting such allegations at face value.

I have been assured that all detainees involved in the recent protests were monitored by healthcare staff - as well as members of the Independent Monitoring Board - throughout the protest. The demonstration remained passive at all times and there was no use of force. Detainees claiming to be refusing meals were eating in the centre. While some detainees refused formal meals from the canteen, they did buy food from the centre's shop and vending machines and had food delivered by visitors.

People who are in detention are there because both the UK Borders Agency (UKBA) and the independent courts deem them to have no legal right to be here. The UKBA has an obligation under section 55 of the Borders Citizens and Immigration Act 2009 to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. Where children have been detained as part of the family unit, it as a last resort.

If detention is deemed necessary, the intention is to always keep it to the minimum period possible. Detainees are encouraged to voluntarily leave the UK and offered support to do so. The UKBA release families where independent social work and specialist medical advice suggest continued detention is not in the best interests of the children. There is a comprehensive welfare framework at Yarl's Wood, including the following, for children who are held in detention:

- A children's forum
- A statutory children's social work service provided on site
- A weekly welfare meeting that considers all children in the centre. This is attended by healthcare professionals, teachers, nursery staff, the senior management team and independent social workers.

Turning to the points you raised about access to basic provisions, I have been advised that detainees are provided with an internal account when they arrive in Yarl's Wood where they can deposit cash from their own funds and receive money from others. They are allowed to take out £20 at a time and pay for shop purchases in cash. Detainees also receive a daily allowance which is paid into their internal account each day which they can use to make purchases.

You also raised the question of whether the Detained Fast Track (DFT) process – which deals with asylum applications which are suitable for a quick decision and accelerated appeal process – operates fairly and humanely. The process at Yarl's Wood has operated since May 2005. All people in DFT detention are given individual regular and robust reviews of their detention with specific regard given to any claims of past violence to ensure that detention is maintained only in cases where it is appropriate. Where it is not deemed appropriate, those people are released.

The UKBA takes its role in providing protection to women very seriously. They have a number of measures in place to try and provide more directed support. They have also worked closely with Asylum Aid and are working closely with the UNHCR to take forward a proactive agenda to deal with issues of women who are the subject of sexual violence. The UKBA will consider the Human Rights Watch report to assess whether processes can be improved.

Whilst it is not possible to comment on individual cases, I have been assured that all cases are given full and careful consideration and leave is granted, if appropriate, in line with the various Conventions. This includes the ratified Council of Europe Convention against Trafficking in Human Beings of which DFT has been at the forefront of its implementation and operates as a competent authority, making 'reasonable grounds' decisions over 90% within the five day target.

It is not strictly accurate to say that an interview occurs "immediately" after being taken to Yarl's Wood. An applicant is inducted normally the day after they have been referred to DFT and a duty representative (if a person does not already have a solicitor) is appointed on the same day. The representative will meet and take instructions from their client and often highlight any issues prior to the interview which normally takes place between four-six working days after induction. If the case is considered unsuitable for a quick decision then the case is taken out of the DFT process and approximately a quarter of cases are released at this point (thus it is incorrect to say that 96% are refused).

The representative can request to have more time to gather evidence or indeed a further interview may be required. DFT operates fully in accordance with the published flexibility document.

It is true to say that the first stage appeal must be lodged within two working days of a notice of refusal and that the hearing will normally take place within the following

five working days. However both applicants and representatives can make applications to the independent Immigration and Asylum Chamber (IAC) for both further time or for the case to be removed from the Fast Track process (approximately one in ten cases are taken out at this stage).

Following a first stage appeal, if refused then there are a further minimum of two appeal stages as statutory rights that can be exercised. It would be more correct to state that the average time (ignoring the cases that are either granted leave, removed from the process pre decision or post decision) that the process takes 31 days from induction to end.

It is considered that the DFT process does operate flexibly and that decisions, both grants and refusals, are fully reasoned and lawful. It is also considered that the IAC operates a full and fair appeal system. It is also considered that detention is an unavoidable necessity for the DFT process but that this detention is always kept to a minimum and is under constant review by both case-owners and senior case-owners.

Thank you again for raising this important topic. A copy of this letter has been placed in the Library.

A handwritten signature in black ink, appearing to read 'Jan Royall', with a stylized flourish at the end.

JAN ROYALL