

Freedom from Seizure

Tom Allan

"Dungavel is built as prison system. It is not a detention centre. That is the first thing you should know."

Makielokele Nzelengi Daly

My first impression of Dungavel was one of isolation. The squat, heavy, grey stone building with its Victorian turrets was reminiscent of a miniature castle, but girded by a modern moat – fifteen feet steel fences topped with razor wire and CCTV cameras. But its first defence was its remote location in the South Lanarkshire countryside, lost among the fields, difficult to get to and find. It was certainly an impenetrable fortress to the small group that gathered beneath the fence on the 23rd of January to celebrate the birthday of Robbie Burns and to demand its closure.

As a newcomer, I scanned the windows, hoping to see some of the people inside that we had come to support. The windows were shuttered, I noticed indignantly.

"Do they shut all the windows up so that people can't see out for the protest?" I asked Graeme Cummings, one of the organisers and a member of Friends of Refugees Ayrshire. The group has been campaigning for the centre's closure ever since it was opened in 2000.

"At one point the recreational facilities used to be here," he said, "and they could see us, but they've changed it round. Everyone stays in the inner part of the building."

"Do they know we're coming?" I asked. "You can never tell."

Rosemary Byrne, Scottish Socialist MSP, thinks the move was deliberate. "The first demonstrations we did here, those fences weren't so high. The people could come to the window and wave to us, they could see that we were there. As the demonstrations increased, they started moving them away from the windows."

So, gathered outside, speeches were made, Burns' poetry and songs read, and finally gifts were handed in through the gate for the detainees. What would be a more appropriate name for asylum seekers and refugees that have been locked up without having committed a crime? The "refused?" The "rejected?" Perhaps the silent seekers. They have, after all, no voice; a fact that was painfully illustrated by the small ceremony of presenting gifts. People asked, as they handed over the bags one by one;

"How many children are inside?"

No comment.

"Can you tell me how many children are inside?"

Sorry, no comment.

"How many children do you have in at the moment?"

No comment.

The silence of the guards is enforced by statute: "No officer shall make, directly or indirectly, any unauthorised communication to a representative of the press or to any other person concerning matters which have become known to him in the course of his duty." ["Detention Centre Rules 2001", p.13]

Not even the manager running the detention centre can speak to the press or public, and all of my enquiries have been redirected to the Home Office. That is because the centre is owned by Serco Group plc, and also run by a private company, Premier Detention Services a subsidiary of Premier Custodial Group, on behalf of central Government. Since asylum and immigration policy is an area "reserved" for Westminster, the Scottish Executive can effectively ignore the issue. The Scottish Green and Socialist parties have campaigned against the centre, as well as a number of other MSPs, and a cross party group visited Dungavel in 2002 condemning it as a prison. But they have no powers to close the centre, and only limited oversight.

Ideally, the Government would like detention

centres to be totally sealed institutions; one way staging posts before deportation. They have recently renamed them "removal" centres, a re-branding designed to reflect their hopelessness and to impress this upon the electorate. The stories of the people inside are the last thing they want to get out. The figures one can obtain from the Home Office are not damaging for the Government. They are just anonymous numbers. "92 men, women and children as at 6am, 26th January 2005." [email from the Home Office Press Department] But the people inside have names, faces, stories.

Barriers, every bit as formidable as the steel fencing outside, prevent communication between detainees and the outside world. Language barriers, trust, fear of damaging their cases, and sometimes outright obstruction by staff or management, all reduce contact. Only a quarter of detainees in 2002 had received visits from friends or family. ["An Inspection of Dungavel Immigration Removal Centre", HMIP 2002, p.6] Detainees are entitled to phone cards and stamps, but few know of their entitlement. Visitors' groups, particularly those that are explicitly opposed to the centre such as Friends of Refugees Ayrshire, have been discouraged by the management. They have been turned away for arbitrary reasons, such as misspelling a detainee's name. Graeme used to make regular visits. "You go up, you're photographed, and your fingerprints are taken. You're searched." But it's the emotional cost that is most discouraging. "It is quite harrowing," he explained. "A lot of us found it very difficult to sustain that, particularly since the person you're visiting may just disappear, and you don't know where they've gone. You'll never hear from them again."



Detention

Pastor Makielokele Nzelengi Daly's story is known because with the help of hundreds of supporters, politicians and activists, he was released in January. He and his family fled Angola four years ago after he refused to spy on his congregation for the MDLA Government (Democratic Movement for the Liberation of Angola). Along with thousands of other asylum seekers they settled in Glasgow, whose local authority had accepted a deal with central Government to house refugees in their disused, now condemned, high rise buildings.

Makielokele went door to door in the Red Road flats where he lived, building up a thriving Pentecostal church with some two hundred families in the large community of African exiles and refugees. But last December, after four years, he was abruptly informed that his asylum application had been rejected. Without further explanation, he was taken to Dungavel detention centre pending deportation on the 23rd of December 2004.

The picture Daly paints of Dungavel is not one

of major abuse, but of powerlessness, of small but degrading humiliations. "Detention is a place where people can get crazy very quickly," he tells me. "It is a place that the Home office uses to torture people, not necessarily in a physical way, but mentally, you are tortured."

There is constant surveillance, constant constraint. Yellow lines show you where you can and cannot walk. On the first day he recalls being told off like a child for crossing the line and unwittingly setting off an alarm. You must obtain permission to go anywhere in the building. You are referred to not by your name, but by your number. Makielokele was number 4707.

"The purpose of detention centres shall be to provide for the secure but humane accommodation of detained persons in a relaxed regime with as much freedom of movement and association as possible... respecting in particular their dignity and the right to individual expression."

Detention Centre Rules 2002

"In our rooms there were peep-holes so they can check on you when you are sleeping – so that they don't have to open the door all the time. At three o'clock in the morning they will come and check on you to see if you are all in your rooms. They will just open the door brutally and bang it, and you have to wake; and then you can't sleep again – because you know they will come again at six."

"And this is every night?" I asked incredulously.

"Oh yes." Pastor Daly laughs. "You don't know Dungavel. Now, imagine if you are feeling safe, with your wife, what will happen then!" and he laughs again.

The visitors' room in Dungavel quietly boasts of the centre's facilities. Each table has a folder describing, in many languages, the restaurant, the gym, and the different classes available – art, music, and the "world computer" course designed to provide detainees with IT skills that can be used "wherever they end up." Internet access is not provided. The room itself is decorated with paintings made by detainees. There are beautiful pictures and portraits, some clearly self portraits. But it is bitterly ironic that they may be the last traces of people who have long since been deported, and worse that they are used to decorate the facility which incarcerated them.

Generally, detainees' material needs are met. But there is no way to ameliorate the basic fact of detention, nor the serious mental impact that it has. Trapped in a monotonous and stressful environment, without access to information about one's case, and surrounded by others in a permanent state of anxiety creates a "pressure cooker effect." ["No Place for a Child: Children in UK Immigration Detention" Save the Children 2005, p.19]

Imagine for a moment that you have been the victim of some terrible abuse. That you have been raped or tortured, or that the lives of your children have been threatened. Now imagine what it must be like to be held in a facility where at any time you could be returned to the scene of your worst fear. You don't know when.

"Information about the progress of their cases, which was of over-riding importance to detainees, was very difficult to obtain and not communicated in their own languages. There was no access to official country information reports on the internet which might have allowed detainees to make their own assessment of the personal risk of return." ["An Inspection of Dungavel Immigration Removal Centre", HMIP 2002, p.16]

In fact, it seems that keeping detainees ignorant and ill advised is a matter of policy, designed to facilitate their removal.

"On-site immigration officers avoided face to face

contact and sometimes withheld removal directions until the last minute from those they feared would resist being removed. There was little information provided about how to access good quality legal advice and to complain if this was not received, and there was some evidence of exploitative and ineffective representation." [ibid]

There were examples of detainees paying for legal representation that should have been free, and suggestions of exploitation. Less than half of those eligible in 2002 were aware that they were entitled to a review of their case.

Throughout the UK detention estate, according to the Refugee Council, the lack of information, good translation services and high quality legal advice means that many detainees are being detained "quite arbitrarily and unnecessarily," and few detainees know that they have a right to a bail hearing. [The Refugee Council, cited in; "Fourth Report of Session 2002-2003, Vol.1 Home Affairs Select Committee," p.25]

The result of placing vulnerable people in such conditions is predictable. In July 2004, a 22-year-old Vietnamese refugee, Tung Wang, killed himself at the centre, and in August the Glasgow *Sunday Herald* revealed that a 27-year-old refugee priest from Nigeria, John Oguchuckwu, had been sent to Greenock prison indefinitely because he became suicidal after spending eight months in Dungavel. Lessons have been learnt though; when a Chinese man attempted to commit suicide in April this year he was quickly isolated from other detainees. No news of that incident reached the press.

Whilst there is provision of some psychiatric treatment in the centre, it favours those who speak English, and official concern has been expressed that it could be used to justify detention when alternatives, such as care in the community, may be more appropriate. ["An Inspection of Dungavel Immigration Removal Centre," HMIP 2002, p.16.] In any case, No Place for a Child suggests that "mental health services are unlikely to be successful in the detention environment because detention is itself a cause of trauma and distress."

"That is why the chapel that I started was very popular within the detention centre," says Pastor Daly. "It was the only place that people could go and have some words of hope, and also some counselling from their own." Even here, facing deportation, he sought to help others with their problems. He laughed when I asked him about the counselling provided by the centre. "The first objective of the Home Office in detaining people is to torture people, so that whenever they go back home, they will never even think about coming back here. In there, you don't have anyone to give you advice. The GP makes you feel unwelcome. The guards tell you they don't care about your immigration issues."

The effects of detention upon vulnerable adults is bad enough. But despite condemnation from Human Rights groups and repeated recommendations by the Chief Inspector of Prisons, Anne Owers, that the detention of children is inappropriate and harmful, children and young people continue to be detained.

A major campaign in 2004 by Scottish refugee support groups and Trades Unions was thought at the time to have cleared the centre of children. [18 detainees (17%) were children in 2002 – "An Inspection of Dungavel Immigration Removal Centre," HMIP 2002, p.11] But the family unit at the centre is again being used, and detention of families has actually increased nationwide. Before 2002 families were only meant to be detained shortly before removal, but a change in Government policy outlined in the White Paper "Secure Borders, Safe Haven" now allows them to be detained "at other times and for longer periods than just prior to removal." [cited; Fourth Report of Session 2002-2003, Vol.1 Home Affairs Select Committee, p.26]

"No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."

Article 37b of the United Nations Convention on the Rights of the Child

The changed provision made it possible to detain the Ay family for thirteen months from 2002 to 2003, before their appeal was finally rejected. As ethnic Kurds, they feared persecution upon their return to Turkey. Three of the four children required psychiatric treatment after detention, according to Professor Harry Zeitlin, a specialist in child and adolescent psychiatry at University College London. Had they been British children, he added, issues of child protection would have been raised. The family were ultimately deported to Germany, where they were granted asylum. [ZNet Dungavel: Scotland's Asylum Shame, by William MacDougall; September 10, 2003]

Pastor Daly's wife Isabelle, and their four children, Rachel, 16, Josue, 14, Linda, 13, and 11-year-old Isaac, were initially hidden in the local community of African asylum seekers and refugees, to prevent them from being detained. But towards the end of the campaign to release him they were tricked into a meeting and also taken to Dungavel.

"They lied to my children," he tells me angrily. "I saw the children come in, and they embraced me. I asked them, 'What are you doing here?' They said 'Oh, we were told we were coming to visit you.' But I told them 'No, that's not the truth, the truth is you've been arrested with me.'"

"My daughter asked me, 'Why should we be arrested, what did we do? Should we be arrested for nothing?' Those kind of words are very painful to a father."

Again, it is the mental health implications that are most worrying. No Place for a Child gives examples of problems with feeding and sleeping, depression and listlessness, and suggests that children are unable to be taught effectively under such conditions, whatever the standard of the educational facilities.

"I saw another family, with three children between two and five years old," the Pastor continued. "The two year old child was not crying every night, but screaming every night. There was something frustrating that child."

Children can be further disturbed by seeing parents powerlessness and distress, whilst parents feel guilt and hopelessness because they cannot help their children. The Prison Inspection Report concluded that "the welfare and development of children is likely to be compromised by detention, and that it should be an "exceptional measure" lasting only a matter of days. ["An Inspection of Dungavel Immigration Removal Centre", HMIP 2002, p.15-16]

There is still no way to know how many children are being held in detention in the UK, or how long they are held for. The Home Office, despite the recommendation of the Home Affairs Committee, does not publish the total number of asylum seekers detained over a given period, but only gives a snapshot of those detained. Thus we know that on the 25th of December 2004, 1,515 detainees were being held under the Immigration Act, twenty five of which were recorded as being under eighteen years old.

That figure excludes a significant number of "age disputed" asylum seekers, who say they are children but are not believed.

Deportation

Deportation is usually quick and unexpected. Pastor Daly was fetched at 7am, taken to the

manager's office and told he was to be deported to Angola the next day. He was refused a phone-call

to his supporters or lawyers, and refused a change of clothes. He was wearing only his pyjamas.

"I asked him, 'Can I get some clothing here?'"

It was the 22nd of December, it was very cold out there. But he was adamant, he refused. I told the manager that, 'Ok, those clothes are mine, they are not for the detention centre. Why are you refusing me to protect myself with my own clothes?'"

"The manager told me that 'I am giving the orders here', and 'I am telling you that you are not getting those clothes, and you will travel the way you are.'"

"All detained persons may wear clothing of their own...all detained persons shall be detained with clothing adequate for warmth and health. A detained person shall be provided with suitable and adequate clothing on his release."

Detention Centre Rules, 2001.

It was a freezing twelve hour journey South. The only break was when he was marched through a petrol station, flanked by guards and allowed to use the toilet – but only with the door open, in full view of the public. He was locked up over night in Birmingham. No-one else knew where he was.

"I was then left to tremble all my cold night and morning," he says. Then he was rushed to the airport. "According to the conversation of the policeman driving the car to his colleague, I was supposed to be reunited with my family to be deported together to Luanda."

Not all deportations are from detention centres. Sometimes people are picked up from home, in dawn raids, or from work. Children were sometimes picked up from schools. A Home Office note of March 2004 recognised the difficulties and upset this practice causes to staff and pupils in schools, but there is no acknowledgement of the impacts on the detained children. [No Place for a Child, Save the Children, 2004, p.30-31] Adult detainees rarely have time to put their affairs in order, or contact family or legal advisors. Deportation can also be violent. In 1993 deportation police arrived at the North London home of Jamaican born Joy Gardner.

"In front of her 5-year-old son, they held her down to stop her struggling and placed a body belt around her waist, bound her wrists to handcuffs attached to a belt and tied her thighs and ankles with leather belts. They then wrapped 13 feet of tape around her mouth to stop her screaming. She was taken to hospital in a coma from which she never recovered." [Liz Fekete, "Deaths in Detention," Institute of Race Relations 2003]

Use of gags and adhesive tapes was subsequently banned by the Home Secretary, but a recent report suggests that abuses continue, including the misuse of accepted restraint methods, kicks to the face and head, and racist verbal abuse. These often occurred after the detainee had already been restrained, or after the deportation attempt had been abandoned, inside vans and out of sight. The report recommends that CCTV be installed in the vans.

It is difficult to know the scale of the abuse that occurs – because once again, there is no oversight. Only if the deportation is cancelled, or a serious injury or death results, do we hear about it. After all, a deported asylum seeker is unlikely to make a complaint.



Photograph by: Gareth Harper

Alternatives to Detention

Detention centres are a cornerstone of the Labour Government's immigration and asylum policy – and its election strategy. In “Secure Borders, Safe Haven” it emphasised the key role of detention in its drive to increase removals of failed asylum seekers. [cited, Fourth Report of Session 2002-2003, Vol.1 Home Affairs Select Committee, p.26]

Deportations have dramatically increased since 1999, and plans to build controversial “reception centres” where asylum seekers could be housed throughout their application are still in the pipeline.

The argument is that asylum seekers will automatically abscond once their applications have been rejected. But there is simply no evidence to back this up, since the Home Office does not collect information on the absconding rates. In fact, recent research suggests that asylum seekers rarely go into hiding, and that there are a number of effective alternatives to detention. No Child Left Behind cites the Swedish system as an excellent model, whereby asylum seekers are encouraged to maintain contact with the authorities because they provide excellent support services. An individual support worker ensures that they understand their rights and responsibilities, helps with language and financial assistance, and eases either integration or assisted deportation. Detainees' rates of compliance with deportations, when they are handled in this transparent way, are very high, making detention unnecessary. That may still be a traumatic affair, but it at least avoids the deception, the early morning raid, and the sudden deportation. [No Place for a Child: Children in UK Immigration Detention, Save the Children 2005, p.45]

The simplest solution for the time being would be automatic bail hearings before detention, a course recommended by the Refugee Council, the Immigration Advisory Service, and the Immigration Law Practitioners Association, but it is a recommendation that has so far been ignored by the Government. At present, there is no judicial oversight of the decision to detain, and no explanation of the reasons for detention. When detainees are properly informed of their rights and given effective legal counsel, they are often released. That has been the focus of the successful recent campaigns to free detainees, including two single mothers, Anastasia Ndaya, and Magloire Sanou, and their children. The Daly family were also freed in January, after his congregation raised bail of £4,000.

Is the use of detention really just to effect removals, as the Government claims? It has been argued that detention is instead part of a package of measures designed as a deterrent to future asylum seekers. [Liz Fekete, “Three Faces of British Racism”, Institute of Race Relations 2001] Outside detention, asylum seekers are forbidden from working. They have to survive on benefits of as little as £38 per week. A large number were made homeless and destitute by Section 52 of the Nationality, Immigration and Asylum Act, 2002, which withdrew all state support for those who failed to claim asylum within twenty four hours of arrival in the UK, in the erroneous belief that they were not genuine refugees. In fact, the Government's own figures showed that the majority of asylum seekers who ultimately get indefinite leave to remain in the UK claim asylum after entry. The clause was eventually withdrawn after the Court of Appeal ruled that it breached asylum seekers' human rights in May 2004.

[Bharti Patel and Saorise Kerrigan, “Hungry and Homeless” The Refugee Council 2003.]

But some asylum seekers whose cases have been rejected, but who cannot be deported, (either because they are awaiting a judicial review, because their home country is too dangerous, or will not accept them,) continue to suffer homelessness and destitution. They are left in a limbo, where they cannot work, cannot receive state support or housing, and cannot leave. In Glasgow, for example, this resulted in evictions of asylum seekers in the winter of 2003.

The Government seem to be recreating the conditions that people fled – arbitrary imprisonment, insecurity, poverty – but in enclaves within our own country. Perhaps, as Pastor Daly said, the Government's hope is that those who have been detained and deported will tell others what they experienced here, and be a deterrent. But the UK is chosen as a refuge for many reasons; historical, economic, and not least because it is thought that we have a commitment to human rights. It seems that the Government are eager to give up that reputation.