

London, 03 March 2015

UNHCR shares MPs' concerns over use of immigration detention

The UN refugee agency (UNHCR) today welcomed the key recommendations of the report of the Joint Inquiry by the All Party Parliamentary Groups on Refugees and Migration into the use of immigration detention in the UK.

"We are encouraged by important recommendations this report makes to the government, which we hope will be examined closely. The report strongly echoes some of UNHCR's own concerns with the use of immigration detention in the UK, in particular in relation to the Detained Fast Track (DFT) procedure," said Gonzalo Vargas Llosa, UNHCR Representative to the UK.

In 2014, nearly 14,000 asylum seekers were detained, that is more than half of those who sought protection in the UK last year from conflict, violence and persecution. Noting there will be circumstances in which individuals will need to be detained, reducing the use of detention is possible, as seen in 2010 with the government's commitment and the progress it has made towards ending the detention of children

The report's recommendation to introduce a maximum time limit of 28 days on the length of time anyone can be detained under immigration powers addresses one of the shortcomings UNHCR has identified in the UK's immigration detention framework. At present, the lack of time limit leaves open the possibility of asylum seekers being detained indefinitely and without automatic judicial oversight. In practice this has led to prolonged detention, as was evident from the testimonies given to the inquiry. The UK is one of a handful of countries without a time limit on immigration detention.

The UK uses detention in asylum procedures more frequently than any other country in the EU. UNHCR supports the inquiry's recommendation that decisions to detain should be exceptional. As outlined in UNHCR's Detention Guidelines, it is UNHCR's view that detention should be used only as a measure of last resort.

"Seeking asylum is a legitimate act and it is a fundamental human right. In our view the detention of asylum-seekers should be avoided – these are people who are seeking protection. We are ready to work with the authorities on this and support efforts to end the routine use of detention in the asylum process and to strengthen alternatives to detention," said Vargas Llosa.

UNHCR's global research has found that stringent detention regimes do not deter irregular migration, while alternatives to detention – such as reporting requirements, bail or other community supervision arrangements - can address government's concerns regarding irregular migration and assist with functioning asylum systems. While the UK has a number of alternatives in place, UNHCR believes that there are other workable alternatives suitable to the UK. Rates of cooperation of over 90 per cent have been achieved where asylum seekers are released into alternative programmes with proper supervision and support.

Empirical evidence also demonstrates that detention is considerably more expensive compared to most alternatives, even when the short and long term negative health consequences on detainees or the impact on their later integration are excluded from the calculation.

In 2014 UNHCR launched a five-year Global Strategy 'Beyond Detention' to support governments to end the detention of asylum seekers and refugees. Through this strategy, UNHCR is working with governments, NGOs and civil society to address some of the main challenges and concerns around detention policies and practices. Implementation of the strategy is envisaged around the development of national action plans, which will include awareness-raising, capacity-building, strengthening partnerships, information sharing, data collection and reporting, research and monitoring. UNHCR welcomes the UK as one of the focus countries for the initial roll-out.

UNHCR's written and oral submissions to the Joint Inquiry into the use of immigration detention in the UK have been made in the broader context of organisation's long and continuing cooperation with the UK authorities focused on monitoring, reviewing and improving the UK's asylum system. Since 2006, through Quality Initiative and Quality Integration projects UNHCR has monitored the operation of the DFT with the cooperation of the Home Office and issued two reports - in 2008 and 2010.

Background notes:

1. The Detained Fast Track is a procedure whereby asylum seekers are detained if the government considers their claim “can be decided quickly”, which can mean within seven to ten days. The decision whether or not an asylum seeker will enter the DFT is made at an initial interview.
2. UNHCR’s 2014 submission to the Joint Inquiry on the Use of Immigration Detention in the UK can be found here:
http://www.unhcr.org.uk/fileadmin/user_upload/pdf/UK_Parliamentary_Inquiry_-_Immigration_Detention_-_UNHCR_Written_Evidence.pdf
3. UNHCR’s Detention Guidelines can be read here: <http://www.unhcr.org/505b10ee9.html>
4. UNHCR’s ‘Beyond Detention’ Global Strategy can be read here:
<http://www.unhcr.org/53aa929f6.html>
5. UNHCR’s 2010 audit of the Detained Fast Track can be read here, and key findings and recommendations can be found here:
http://www.unhcr.org.uk/fileadmin/user_upload/docs/Quality_Integration_Project_First_Report_FINAL_PDF_VERSION.pdf
6. UNHCR’s 2008 audit of the Detained Fast Track can be read here, and key findings and recommendations can be found here:
http://www.unhcr.org.uk/fileadmin/user_upload/pdf/QI_Fifth_Report.pdf

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