The use of detention and alternatives to detention in the context of immigration policies

National Contribution from the United Kingdom

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Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled European Migration Network (EMN) Focused Study. The contributing EMN National Contact Points have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN National Contact Point’s Member State.
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Summary

This European Migration Network (EMN) focused study looks at detention and alternatives to detention in the context of immigration. In the UK, the use of detention is a last resort. There is always a presumption in favour of temporary admission or temporary release. Wherever possible, alternatives to detention are used.

Categories of third country nationals who can be detained

All categories of migrants may be detained if they meet the UK’s detention criteria. These are:

- to effect removal from the UK;
- initially on arrival to establish a person’s identity or basis of claim;
- if there is reason to believe that the person will fail to comply with any conditions attached to the grant of temporary admission or temporary release;
- Asylum seekers whose claims are deemed straightforward and capable of an early decision may be detained in the Detained Fast Track (DFT) Process.

Although the UK’s powers of detention do not generally exclude particular groups of migrants, detention policy specifies a number of categories of individuals who are normally only detained in very exceptional circumstances. These include:

- unaccompanied children and young persons under the age of 18;
- the elderly;
- pregnant women (unless there is a prospect of early removal from the UK);
- those suffering from serious medical conditions or mental illnesses that cannot be satisfactorily managed in detention;
- those where there is independent evidence that they have been tortured;
- people with serious disabilities;
- those who have been identified as having been victims of trafficking.
Assessment procedures

All categories of third country nationals (TCNs) are considered for alternatives to detention in the first instance. Decisions to detain are taken on a case-by-case basis by Home Office officials on behalf of the Secretary of State for the Home Department. A formal, set assessment procedure is not used.

The power to detain is set out in the Immigration Act 1971, the Nationality Immigration and Asylum Act 2002 and the UK Borders Act 2007.

There is no judicial involvement in decisions to detain but detained persons can apply for bail and are able to challenge the lawfulness of their detention by a judicial review or court order.

All factors arguing both for and against the individual’s detention must be considered. Such factors would include, but are not limited to:

- the likelihood of the person being removed, and timescales;
- any evidence of previous absconding;
- evidence of previous failure to comply with temporary admission or temporary release;
- whether the individual has demonstrated a previous history of compliance with immigration law; and
- the nature of the person’s ties with the UK (for example, the presence of close relatives/dependants).

Types of detention facilities and conditions

There are ten dedicated immigration detention facilities called immigration removal centres (IRCs) in the UK.

In addition, there are two dedicated residential short term holding facilities (STHFs), which may hold detained persons for up to seven days. There are also non-residential STHFs (holding rooms) at most ports/airports and some immigration enforcement offices.

Families with children under 18 being returned under the ensured return route of the Family Returns Process may be held at Cedars Pre-Departure Accommodation for the last few days before their removal from the UK. Families live in their own self-contained apartments at Cedars, with a lower level of security than would be found in an immigration removal centre. Cedars is run by the private contractor G4S in conjunction with the children’s charity Barnardo’s, which provides welfare support to families there.

The majority of the IRCs in the UK are run under contract on behalf of the Home Office by a range of private companies (SERCO, G4S, MITIE and GEO). Barnardo’s also has a specialised welfare support role in the operation of the Cedars Pre-Departure Accommodation.
Availability and practical organisation of alternatives to detention

The use of detention is a last resort. The following provides details of alternatives offered.

1. **Reporting** – where there is a legal requirement to report, individuals must report to either a Home Office reporting centre or a local police station.

2. **Obligation to surrender travel documents** – an immigration officer or a police officer may retain the seized document while they suspect that the individual to whom the document relates may be liable to removal, and that retention of the document may facilitate removal.

3. **Residence requirements** – all reporting individuals are required to reside at a specific address as part of their release conditions.

4. **Release on bail** – the amount of bail is set in relation to the means of the individual and their sureties, and should give a substantial incentive to appear at the time and place required. Each case should be assessed on its individual merits but a figure of between £2,000 and £5,000 per surety will normally be appropriate.

5. **Electronic tagging** – electronic monitoring is permitted in the UK under section 36 of the Asylum and Immigration (Treatment of Claimants) Act 2004. It is not routinely applied to all cases and is used as a means of increasing contact with individuals subject to immigration controls while their cases are progressed. The application of an electronic monitoring regime must be reasonable and proportionate and used on cases that present an evidence-based justification of the risks and benefits. The vast majority of tagged cases are for criminal casework.

6. **Guarantor requirements** – to be effective as a surety, a person needs to be able to manage or exert some control over the individual, thereby ensuring that they comply with the conditions of bail. Officers consider the nature of the surety’s relationship with the individual as well as their geographical proximity.

7. **Release to care worker or under a care plan** – an individual who is released to a care worker or under a care plan will still need to adhere to the restrictions imposed. The restrictions will take into account any possible medical limitations, but the individual will still need to remain in contact with the Home Office as part of their release conditions.

Additionally, the UK also runs several Assisted Voluntary Return (AVR) programmes to assist irregular migrants or those who are in the asylum system and wish to return home permanently.

Home Office caseworkers or Home Office Border Force officers are responsible for deciding whether to detain an individual, and therefore whether alternatives to detention (temporary admission or temporary release) are appropriate in each particular case. Decisions to release on bail are taken by immigration judges or High Court judges.
1. Categories of third country nationals who can be detained – national provisions and grounds for detention

This section aims at providing an overview of the categories of third country nationals who can be placed in detention in (Member) States according to national law and practice. The section also examines whether the possibility to detain each category of third country national is enshrined in national legislation, the grounds for detention that apply and whether national legal frameworks include an exhaustive list of grounds.

Q1. Please complete the table below with regard to the categories of third country nationals who can be detained in your Member State. Children and other vulnerable groups are not included in this table as they are a cross-cutting category; instead, they are dealt with in a separate question (Q2) after the table.

(Table on next page.)
<table>
<thead>
<tr>
<th>Categories of third country nationals (TCNs)</th>
<th>Can TCNs under this category be detained? (Yes/No)</th>
<th>If yes, is the possibility to detain laid down in legislation? (Yes/No)</th>
<th>If the possibility to detain TCNs exists in your (Member) State but is not laid out in national legislation, please explain whether it is outlined in ‘soft law’ or policy guidelines.</th>
<th>Please list the grounds for detention for each category of migrant that can be detained in your (Member) State. Is there an exhaustive list of grounds outlined in your national framework?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>This response is applicable to ALL categories of TCNs as specified below</strong></td>
<td>Yes – the power to detain foreign nationals subject to immigration control and liable to detention in the UK, regardless of the category into which they fall, is laid down in primary legislation (see answer to question 2, Section 3).</td>
<td>See response aside – the power to detain in the UK is contained in national legislation.</td>
<td>The power to detain in the UK is set out in: paragraph 16 of Schedule 2 to the Immigration Act 1971; paragraph 2 of Schedule 3 to the Immigration Act 1971; section 62 of the Nationality, Immigration and Asylum Act 2002 and section 36 of the UK Borders Act 2007. Published policy states that in the UK detention powers will be used in the following circumstances: initially on arrival to establish their identity or basis of claim; or where there is reason to believe that they will not comply with any conditions attached to the grant of temporary admission or temporary release; and to effect the removal of an individual from the UK. These criteria apply to all categories of migrant. In addition to the above, asylum applicants whose claim is deemed straightforward and capable of a speedy resolution may be detained under the asylum Detained Fast Track Process (DFT).¹</td>
<td></td>
</tr>
</tbody>
</table>

¹ DFT - whereby asylum seekers could be detained if their claims appeared straightforward and capable of being decided quickly.
<table>
<thead>
<tr>
<th>Category</th>
<th>Detention</th>
<th>Alternative detention 1</th>
<th>Alternative detention 2</th>
<th>Alternative detention 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicants for international protection in ordinary procedures.</td>
<td>Yes</td>
<td>See above.</td>
<td>See above.</td>
<td>See above.</td>
</tr>
<tr>
<td>Applicants for international protection in fast-track (accelerated)</td>
<td>Yes</td>
<td>See above.</td>
<td>See above.</td>
<td>See above.</td>
</tr>
<tr>
<td>procedures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicants for international protection subject to Dublin procedures</td>
<td>Yes</td>
<td>See above.</td>
<td>See above.</td>
<td>See above.</td>
</tr>
<tr>
<td>Rejected applicants for international protection</td>
<td>Yes</td>
<td>See above.</td>
<td>See above.</td>
<td>See above.</td>
</tr>
<tr>
<td>Rejected family reunification applicants</td>
<td>Yes</td>
<td>See above.</td>
<td>See above.</td>
<td>See above.</td>
</tr>
<tr>
<td>Other rejected applicants for residence permits on a basis other than family reunification (please provide details)</td>
<td>Yes</td>
<td>See above.</td>
<td>See above.</td>
<td>See above.</td>
</tr>
<tr>
<td>Category</td>
<td>Yes</td>
<td>See above.</td>
<td>See above.</td>
<td>See above.</td>
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<td>--------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Persons detained at the border to prevent illegal entry (for example, airport transit zone)</td>
<td>Yes</td>
<td>See above.</td>
<td>See above.</td>
<td>See above.</td>
</tr>
<tr>
<td>Persons found to be illegally present on the territory of the (Member) State who have not applied for international protection and are not (yet) subject to a return decision</td>
<td>Yes</td>
<td>See above.</td>
<td>See above.</td>
<td>See above.</td>
</tr>
<tr>
<td>Persons who have been issued a return decision</td>
<td>Yes</td>
<td>See above.</td>
<td>See above.</td>
<td>See above.</td>
</tr>
<tr>
<td>Other categories of TCNs (please specify the categories in your answer)</td>
<td>Yes</td>
<td>See above.</td>
<td>See above.</td>
<td>See above.</td>
</tr>
</tbody>
</table>
The use of detention and alternatives to detention in the context of immigration policies

Q2. Is it possible, within the national legal framework of your (Member) State, to detain persons belonging to vulnerable groups, including minors, families with children, pregnant women or persons with special needs? Please indicate whether persons belonging to these vulnerable groups are exempt from detention, or whether they can be detained in certain circumstances. If yes, under which conditions can vulnerable persons be detained? NCPs are asked in particular to distinguish whether children can be detained who are (a) accompanied by parents and (b) unaccompanied.

The powers of detention in UK immigration law do not generally exclude particular groups. However, UK detention policy states that the following groups of vulnerable individuals are only detained in very exceptional circumstances:

- unaccompanied children under the age of 18;
- the elderly;
- pregnant women;
- those suffering serious medical conditions or serious mental illnesses that cannot be satisfactorily managed in detention;
- those for whom there is independent evidence of torture;
- those with serious disabilities that cannot be satisfactorily managed in detention;
- persons with independent evidence of having been victims of torture; and
- persons identified by the competent authorities as victims of trafficking.

What constitutes ‘very exceptional circumstances’ is a judgement taken on a case-by-case basis. This might, for example, include instances in which the individual concerned has a serious criminal record. All factors arguing both for and against detention must be taken into consideration.

Families with children under 18 may be held for short periods immediately prior to removal from the UK under the distinct Family Returns Process at the Cedars Pre-Departure Accommodation, or if Cedars is not appropriate for a particular family, at the Tinsley House Family Unit. These provide a different and more suitable form of care for children prior to their removal from the UK. The duration of stay at these units is limited to 72 hours prior to the family’s planned removal date. There is provision for them to remain for up to seven days in exceptional circumstances, subject to Ministerial approval.

Families with children under 18 may also be held for short periods on arrival in the UK pending a decision to grant or refuse entry or, having been refused entry, pending a return flight.

**Unaccompanied minors**

As a general principle unaccompanied children are not detained in the UK, apart from in the following very exceptional circumstances:
- an unaccompanied minor who is being returned following a decision to refuse them entry to the UK may be detained for a short period pending arrangements for their removal flight;
- an unaccompanied minor approaching the age of 18 who has completed a custodial sentence and is considered to pose a risk to the wider public may be detained pending removal;
- an unaccompanied minor being returned under the Dublin Regulations may be detained temporarily on the day of their removal;
- an unaccompanied minor whom the Home Office believes to be an adult may be detained.

Q3. Concerning persons who cannot be removed and/or are granted tolerated stay, please provide information on any provisions in your (Member) State regulating the release from detention of this category of third country nationals.

Where someone is being detained for removal, detention can only be lawfully exercised where there is realistic prospect of removal within a reasonable period of time. Where it becomes clear that there is no longer such a prospect, the person will be released from detention back into the community.
2. Assessment procedures and criteria for the placement of third country nationals in detention

Q1. Please indicate whether an individual assessment procedure is used to determine the appropriateness of detention in the case of any of the categories of third country nationals selected in Section 2 (Table Q1).

A formal, set assessment procedure is not used. All decisions to detain in the UK are taken on a case-by-case basis, taking into account all factors arguing both for and against detention. Decisions to detain are taken on the basis of a consideration of the individual’s circumstances and are neither arbitrary nor automatic.

If yes, please list the categories of third country nationals where individuals are subject to individual assessments.

See answer to above.

If individual assessment procedures are not used, please indicate the mechanism used to determine the appropriateness of detention, for example, are all individuals within a particular category of third country nationals automatically placed in detention?

Not applicable – there are no set assessment procedures in the UK.

Q2. Where individual assessment procedures are used, and specific criteria exist to help the competent authorities to decide whether particular grounds for detention apply, please indicate the legal basis on which these individual assessment procedures are exercised (for example, legislation, soft law/guidelines).

The power to detain in the UK is contained in the following pieces of primary legislation:

- paragraph 16 of Schedule 2 to the Immigration Act 1971;
- paragraph 2 of Schedule 3 to the Immigration Act 1971;
- section 62 of the Nationality, Immigration and Asylum Act 2002; and

There is no judicial involvement in decisions to detain but detained persons can apply for bail and are able to challenge the lawfulness of their detention by a judicial review or a writ of habeas corpus (court order). In addition, once detention has been authorised it is kept under review at monthly intervals. If there is a significant change in a detainee’s circumstances, immigration officers must ensure that detention remains justified and in line with Home Office policy.
Q3. Where individual assessments are used, does the third country national receive detailed information on the consequences of the interview before the individual assessment procedure? If yes, is there an emphasis on all possible options/outcomes of the assessment?

Not applicable.

Q4. Where individual assessments are used, please indicate whether the procedure includes an assessment of the vulnerability of the individual in question. (Yes/No) If yes, please describe the vulnerability assessment procedure used.

As previously indicated, all decisions to detain in the UK must be taken on a case-by-case basis and, as such, must take account of all factors arguing for and against detention; these would include individual vulnerabilities. There is, however, no specific vulnerability procedure that is followed.

Once a decision has been taken to detain someone, their continued detention is monitored if they are deemed to be vulnerable. Rule 35 of the Detention Centre Rules 2001 requires that doctors working in immigration removal centres report to the Home Office on cases of particularly vulnerable detainees in order that the appropriateness of their continued detention can be reviewed. Rule 35(1) covers cases where doctors are concerned that an individual's health is likely to be injuriously affected by continued detention or any conditions of detention; Rule 35(2) covers cases where a doctor is concerned that a detainee may have suicidal intentions and Rule 35(3) refers to cases where a doctor is concerned that a detainee may have been a victim of torture.

Q5. Please provide more detailed information on the criteria/indicators used to decide whether particular grounds for detention apply in individual cases. EMN NCPs are asked to answer this question by listing the criteria indicators that are used to determine the circumstances in which the following grounds for detention, permitted in EU law, apply. However, if the grounds for detention are not applicable in your (Member) State, EMN NCPs may identify the criteria/indicators that are used to determine the circumstances in which other grounds for detention apply.

Anyone may be detained if they meet the general detention criteria. These are:

- to establish someone's identity or basis of claim;
- where there is reason to believe that the individual will not comply with any conditions attached to the grant of temporary admission or temporary release;
- as part of the asylum Detained Fast Track Process (DFT); and
- to effect removal;

Other factors taken into account when considering the need for an individual's initial or continued detention include:

- the likelihood of the person being removed and if so, in what timescale;
- any evidence of previous absconding by the person;
- evidence of a previous failure to comply with conditions of temporary admission or temporary release;
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- whether the individual has taken part in a determined attempt to breach immigration law (for example, attempting to enter the UK in breach of a deportation order or attempting to enter clandestinely);
- whether the individual has demonstrated a previous history of complying with immigration control (for example, by applying for further leave to remain);
- the nature of the person’s ties with the UK (for example, the presence of close relatives/dependants);
- whether there are factors such as an outstanding appeal or judicial review, which would provide the individual with the incentive to remain in touch with the UK immigration authorities;
- whether the individual poses a risk of re-offending or harm to the public (this requires consideration of the likelihood of harm and the seriousness of the harm if the person does offend);
- whether the individual is under the age of 18;
- whether the individual has a history of being tortured;
- whether the individual has a history of physical or mental ill health.

a) Ground 1: Complying with temporary admission or temporary release (absconding).

There is a range of factors that should be considered in any detention case. These are set out in the response provided in Q5 above.

b) Ground 2: If the third country national avoids or hampers the preparation of a return or removal process.

There is a range of factors that should be considered in any detention case. These are set out in the response provided in Q5 above.

c) Ground 3: If required in order to protect national security or public order.

There is a range of factors that should be considered in any detention case. These are set out in the response provided in Q5 above.

d) Ground 4: Other criteria to consider.

There is a range of factors that should be considered in any detention case. These are set out in the response provided in Q5 above.

Q6. Is the possibility to provide alternatives to detention systematically considered when assessing whether to place a person in detention in your (Member) State?

Yes – the use of detention is a last resort. There is always a presumption in favour of temporary admission or temporary release in the UK. Wherever possible these alternatives to detention are used.
Q7. Please indicate which national authorities are responsible for (i) conducting individual assessment procedures (where these exist) and (ii) deciding on the placement of a third country national in detention.

Decisions to detain in the UK are taken by immigration officers and Home Office officials on behalf of the Secretary of State for the Home Department. This applies to conducting an individual assessment as well as to deciding on whether or not to place them in detention or alternatives to detention. In some instances, an Immigration and Asylum Tribunal (IAC) judge can also grant bail. However, judges are deemed independent of the Home Office.2

Q8. Please indicate whether judicial authorities are involved in the decision to place a third country national in detention, and if so, at which stage(s) of the decision-making process and in what capacity? (For example, do judicial authorities make the final decision, do they only make a recommendation, do they only come in if the third country national appeals against a decision?)

Judicial authorities are not involved in decisions to detain in the UK but detained persons can apply to the first tier Asylum and Immigration Chamber for bail and are able to challenge the lawfulness of their detention by applying to the courts for a judicial review or a writ of habeas corpus.

Q9. Please identify any challenges associated with the implementation of existing assessment procedures in your (Member) State.

The UK has not identified any particular challenges in response to this question.

Q10. Please identify any good practices in relation to the implementation of assessment procedures (for example, cited in existing evaluations/studies/other sources or based on information received from competent authorities).

No evaluations have been done specifically on assessment procedures in the UK as there are no set procedures in place.

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2 See: http://www.justice.gov.uk/tribunals/immigration-asylum
3. Types of detention facilities and conditions of detention

Q1. Are there specialised immigration detention facilities in your (Member) State, which are not prisons?

Yes.

If yes, please indicate how many exist and how they are distributed across the territory of your (Member) State.

There are ten dedicated immigration detention facilities called immigration removal centres (IRCs) in the UK. These are as follows (location is indicated in brackets):

- **Brook House** (Gatwick airport);
- **Campsfield House** (Oxfordshire);
- **Colnbrook** (Heathrow);
- **Dover** (Kent);
- **Dungavel House** (Scotland);
- **Harmondsworth** (Heathrow);
- **Haslar** (Hampshire);
- **Morton Hall** (Lincolnshire);
- **Tinsley House** (Gatwick);
- **Yarl’s Wood** (Bedfordshire).

There are two residential short term holding facilities (STHFs) that may hold detained persons for up to seven days located at:

- **Larne House** (Northern Ireland); and
- **Pennine House** (Manchester airport).

There are also non-residential STHFs (holding rooms) at most ports/airports and some immigration enforcement offices.
Cedars Pre-Departure Accommodation (near Gatwick airport) is a facility specifically for families with children under 18 being removed from the UK under the Family Returns Process.

For more information on immigration removal centres see: https://www.gov.uk/immigration-removal-centre

Q2. Are there different types of specialised immigration detention facilities for third country nationals in different circumstances (for example, persons in return proceedings, applicants for international protection, persons who represent a security risk)? (Yes/No) If yes, please provide a brief overview of the different types of immigration detention facilities.

The UK has several different types of detention facility, which are set out below. However, in general UK detention facilities hold a range of different types of migrant. The UK does not have specialist immigration detention facilities for particular groups of migrants, with the exception of families with children. This is the Cedars pre-departure accommodation and the Tinsley House Family Unit (see below for further details).

Immigration removal centres (IRCs) are longer term places of detention. They hold individuals awaiting removal from the UK, individuals who are considered likely to abscond if granted temporary admission/temporary release, or individuals held initially on arrival to establish their identity or the basis of their claim.

Residential short term holding facilities (STHFs) are detention facilities where individuals may be detained for short periods of time (up to 5 days or up to 7 days if removal is set to take place within 48 hours of the 5th day). Facilities in a STHF are more basic than in an IRC, reflecting the short period of time that detainees are held there.

Non-residential STHFs are holding rooms at ports/airports where individuals are held for very short periods (normally not longer than 24 hours) pending a decision whether to grant/refuse them entry to the UK.

Those who pose a security risk

Persons who present a national security risk would normally be held in a prison, rather than an immigration detention facility. In addition, individuals who are assessed to present a control and order risk (for example, displaying violent or disruptive behaviour) that would make them unsuitable for the more relaxed regime of an IRC may instead be held in prison accommodation. Similarly, foreign national offenders who have come to the end of their custodial sentence may also be held in a prison, whilst awaiting transfer to an IRC.

Families with children under 18

Families with children under 18 being returned under the ensured return route of the Family Returns Process may be held at Cedars Pre-Departure Accommodation for the last few days before their removal from the UK. Families live in their own self-contained apartments at Cedars, with a lower level of security than would be found in an IRC. Cedars is run by the private contractor G4S in conjunction with the children’s charity Barnardo’s, which provides welfare support to families there.

Families with children who are resident at Cedars can leave the facility for short periods of time to participate in an approved activity, subject to a risk assessment and suitable supervision.
Q3. Which authorities/organisations are responsible for the day-to-day running of the specialised immigration detention facilities in your (Member) State?

The National Offender Management Service (NOMS) is responsible for the day-to-day running of Haslar, Dover and Morton Hall IRCs on behalf of the Home Office.

The remainder of the IRCs in the UK are run under contract on behalf of the Home Office by a range of private companies (SERCO, G4S, MITIE and GEO).

As indicated, the children’s charity Barnardo’s also has a family welfare support role in the operation of the Cedars Pre-Departure Accommodation.

Q4. Please describe any measures taken by your (Member) State to deal with situations where the number of third country nationals to be placed in detention exceeds the number of places available in the detention facilities.

By definition the UK’s detention space is finite, although in practice this is assessed according to need. Cases are prioritized and kept under robust review to ensure their continued progress. If the demand for detention spaces exceeds supply there also remains the option of releasing lower priority cases back into the community in order to make room for higher priority cases, as part of dynamic estate management. For example, an individual who does not have an immediate prospect of removal will be released into the community in order to make room for someone who does have an imminent prospect of removal.

Q5. Are third country nationals detained in prisons in your (Member) State? (Yes/No) If yes, under which circumstances?

Yes – see question 2 above for the answer to this question.

Q6. If third country nationals are detained in prisons in your (Member) State, are they held separately from general prisoners? If yes, please provide information on the mechanisms to separate third country nationals under immigration detention from general prisoners?

Immigration detainees in prison accommodation would normally be held with un-convicted prisoners.

Q7. Please provide the following information about the conditions of third country nationals who have been placed in an immigration detention facility in your (Member) State (please indicate if the facilities in question are prisons or specialised immigration detention facilities).
<table>
<thead>
<tr>
<th>Conditions of detention</th>
<th>Statistics and/or comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please provide any statistics on the average available surface area per detainee (in square meters)</td>
<td>There are no standard or average room sizes as immigration removal centres (IRCs) have differently configured accommodation, from dormitories to dual or sole occupancy rooms.</td>
</tr>
<tr>
<td>Please provide any statistics on the average number of detainees placed in one room per detention facility</td>
<td>All detainee accommodation must be certified by the Home Office and should never exceed the certified occupation level, except in exceptional circumstances. There is no standard set for the number of detainees per room because of the different types of accommodation across the detention estate. Occupancy can vary from a single individual up to a maximum of 12 in one particular dormitory unit. (Please note that the latter only applies to the 'first night unit' at one IRC – Dungavel in Scotland.) The Detention Services Order 4/2003, which covers the provision of lighting, heating and ventilation, requires that artificial light in detention accommodation must provide up to 150 lux average at desk height; rooms in detention accommodation must maintain a minimum temperature of 21ºC ± 1ºC, with a maximum of 28ºC; rooms with no natural ventilation must have a minimum fresh air rate of 8 litres/second/person.</td>
</tr>
<tr>
<td>Are families accommodated in separate facilities?</td>
<td>Yes – the Cedars Pre-Departure Accommodation or Tinsley House Family Unit (for families with children under 18). Families without children or with adult children may be held in separate family accommodation at Yarl’s Wood and Tinsley House Immigration Removal Centres. [Single females are also held at Yarl’s Wood – families with adult children are held separately from them]</td>
</tr>
<tr>
<td>Can children be placed separately from their parents (for example, in a childcare facility)? Under what circumstances might this happen?</td>
<td>Children may only be separated from their parent(s) for child protection reasons. This would only happen on a very exceptional basis and, other than in a very urgent case, would be a decision taken by local authority children’s services.</td>
</tr>
<tr>
<td>Are single women separated from single men?</td>
<td>Yes.</td>
</tr>
</tbody>
</table>
Are unaccompanied minors separated from adults?  
Yes, though as indicated, unaccompanied minors are only detained in very exceptional circumstances. For example, on arrival in the UK pending their handover to local authority children’s services or pending collection by parents/relatives or other appropriate adult carers.

Do detainees have access to outdoor space? If yes, how often?  
Yes, detainees have access to outdoor space. Rule 18 of the Detention Centre Rules 2001, which regulates the operation and management of IRCs, requires that detainees must be given the opportunity to spend at least one hour in the open air each day, except where it is necessary to limit this in the interests of safety/security. This is a minimum requirement and, in practice, detainees will usually have the opportunity to spend longer periods in the open air, although the time frames vary between different centres.

Are detainees allowed to have visitors? If yes, which visitors are allowed (for example, family members, legal representatives) and how often?  
Yes—Rule 28 of the Detention Centre Rules 2001 provides for detainees to receive as many social visits as they wish, within reasonable limits. Legal representatives are also allowed to visit detainees, in line with Rule 30 of the Detention Centre Rules 2001. There are, however, more restrictions surrounding visits for those detainees held in prisons, in line with the normal arrangements to visit prisons.

Are detainees allowed contact with the outside world via telephone, mail, email, internet? If yes, are incoming and/or outgoing messages screened in any way?  
Yes—all of these are available to detainees in IRCs, including retention of mobile phones. However, detainees held in prisons do not have access to mobile telephones or email and may have only limited access to the internet. Emails are not routinely screened. Access to the internet is a supervised activity with a tutor or officer present and software to prevent access to certain categories of inappropriate internet sites. The service provider at each centre is required to adhere to technical and functional specifications set by the Home Office, which are designed to minimise any risk to the safety and security of the centre, to ensure that detainees are not exposed to offensive or inappropriate material and protect the public from harm. Prohibited categories of sites include gambling, racist material, social networking, pornographic material and websites supporting and promoting acts of terrorism or containing extremist or radicalisation material.

Detainees’ correspondence and phone calls are not routinely monitored. However, Rule 27 of the Detention Centre Rules 2001 provides that a detainee’s incoming and outgoing mail may be opened and read where the manager of the centre has reason to believe that its contents may endanger the security of the centre, endanger the safety of others or are of a criminal nature. Detainees are given the opportunity to be present if their correspondence is opened and read.

| Are education programmes provided (for example, school courses for minors and language classes for adults)? | Rule 17 of the Detention Centre Rules 2001 provides that detainees must be provided with activities to meet their intellectual needs.  
Adult education programmes are included in the range of activities provided, including language classes.  
School courses for minors are not provided as minors are normally only detained as part of a family up to a maximum of seven days prior to removal from the UK. Adults and all children are, however, provided with a range of arts and crafts activities and pre-school children are provided with opportunities to learn through play. |
| --- | --- |
| Do detainees have access to leisure activities? If yes, which leisure activities are provided in the detention facility and how often? | Rule 17 of the Detention Centre Rules 2001 provides that detainees must be provided with activities to meet their recreational needs.  
Provision of particular activities may vary but every centre must provide the following leisure activities: library and detainee information room; cardio fitness area; internet suite; pool tables; outside recreational area for sport; arts and crafts facilities; educational programmes.  
These are available on a daily basis during the normal regime. IRCs have detainee consultative committees to ensure that activities are managed in accordance with changes in the detainee population. |
| Can persons in detention leave the facility and if yes, under what conditions? Can persons move freely within facility or are their movements restricted to some parts/rooms of the facility? | Families held at the Cedars Pre-Departure Accommodation are allowed to leave the facility for short periods of temporary absence in order to undertake organised activities, subject to a risk assessment process and obtaining the appropriate authority. Such absences are under supervision.  
Other detainees are not allowed to leave detention facilities unless, for example, they require an outside medical appointment (for which they would be escorted by detention staff).  
Within detention facilities, detainees are allowed to move freely, apart from those held under Detention Centre Rule 40 (removal from association) or Rule 42 (temporary confinement). |
<table>
<thead>
<tr>
<th><strong>Are detainees entitled to legal advice/assistance? If yes, is it free of charge?</strong></th>
<th>Yes. On arrival at an IRC detainees must be informed of their right to legal representation and how to obtain such representation within 24 hours of arrival. A legal advice surgery provided by the Legal Advice Agency operates in all IRCs to enable detainees to obtain free legal advice about their case.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Are detainees entitled to language support (translation/interpretation services)? If yes, is it free of charge?</strong></td>
<td>Yes – translation (whether by an interpreter or telephone-based interpreting service) is provided to detainees free of charge.</td>
</tr>
</tbody>
</table>
| **Is medical care available to detainees inside the facilities? Is only emergency care covered or are other types of medical care included?** | Yes. All IRCs have 24-hour on-site primary healthcare services equating broadly to community-based general practices. Some IRCs also have in-patient facilities with dedicated healthcare staff. 

In some circumstances it may, however, be necessary to transfer a detainee to hospital to receive treatment (see below) and this includes detainees held in centres with in-patient facilities.

All detainees are screened by a nurse on admission to an IRC and are offered an appointment to see a doctor within 24 hours. Screening covers basic physical and mental condition.

All detainees have access to secondary and tertiary healthcare services, either in the IRCs themselves or, more commonly, at local NHS hospitals and clinics. Access to specialist services (for example, dental, maternity, optical, psychiatric) is arranged either on a visiting basis at the IRCs or at community-based NHS services. |
| **Are there special arrangements for persons belonging to vulnerable groups? If yes, please describe.** | As indicated previously, vulnerable groups are only detained in very exceptional circumstances. Where they are detained such individuals are provided with access to necessary healthcare services and, if appropriate, accommodation suitable for their needs. |
| **Are there special arrangements for persons considered to be security risks to others and/or themselves? If yes, please describe.** | Special arrangements are provided for those who may pose a security risk to themselves or to others whilst in detention. Rule 35(2) of the Detention Centre Rules 2001 requires IRC doctors to report on the case of any detained person whom they suspect of having suicidal intentions, so that the appropriateness of the individual's continued detention can be reviewed by their Home Office caseworker. |
This same rule also requires that the individual must be placed under special observations (known as an Assessment and Care in Detention and Teamwork – ACDT – plan) and monitored closely.

Where it appears necessary in the interests of security or safety for a detained person not to associate with other detainees they would be removed from association under Detention Centre Rule 40 (removal from association). Detention Centre Rule 42 (temporary confinement) also provides that detainees who have demonstrated violent or refractory behaviour may be placed in special accommodation within the IRC. Both removal from association and temporary confinement are time-limited measures, subject to appropriate levels of authorisation and oversight, and are not used as a punishment.
Q1. Please indicate whether any alternatives to detention for third country nationals are available in your (Member) State and provide information on the practical organisation of each alternative (including any mechanisms that exist to monitor compliance with/progress of the alternative to detention) by completing the table below.

<table>
<thead>
<tr>
<th>Alternatives to detention</th>
<th>Yes/No (if yes, please provide a short description)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reporting obligations (for example, reporting to the police or immigration authorities at regular intervals)</td>
<td>Yes – where there is a legal requirement to report, individuals are required to report to either a Home Office reporting centre or a local police station.</td>
</tr>
<tr>
<td>Obligation to surrender a passport or a travel document</td>
<td>Yes – Under section 46 of the 1971 Immigration Act, an immigration officer may seize a document that they think is a nationality document relating to the arrested person, provided that it is not a document subject to legal privilege (subsection (2)). An immigration officer or a police officer may retain the seized document while they suspect that the individual to whom the document relates may be liable to removal, and that retention of the document may facilitate removal. Subsections (4) and (5) provide for the access to and copying of any documents seized.</td>
</tr>
<tr>
<td>Residence requirements (for example, residing at a particular address)</td>
<td>All reporting individuals are required to reside at a specific address as part of their release conditions. Should an individual wish to change their address, they must check with the Home Office first and provide evidence that the proposed address is suitable.</td>
</tr>
<tr>
<td>Release on bail (with or without sureties(^4))</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><em>If the alternative to detention 'release on bail' is available in your (Member) State, please provide information on how the amount of bail is determined and who could be appointed as a guarantor (for example, family member, non-governmental organisation (NGO) or community group)</em></td>
<td></td>
</tr>
<tr>
<td>The amount of bail should be viewed in relation to the means of the individual and their sureties, and should give a substantial incentive to appear at the time and place require. Each case should be assessed on its individual merits but a figure of between £2,000 and £5,000 per surety will normally be appropriate. Few individuals will have at their disposal sufficient means to meet such a sum. It may be necessary, therefore, to accept from the individual a recognizance of a nominal sum (for example, £5).</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Electronic monitoring (for example, tagging)</th>
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</thead>
<tbody>
<tr>
<td>Electronic monitoring is permitted in the UK under section 36 of the Asylum and Immigration (Treatment of Claimants) Act 2004; however, this is not routinely applied to all cases.</td>
</tr>
<tr>
<td>It is currently used as a means of increasing contact with individuals subject to immigration controls while their cases are progressed. Internal reviews have shown that electronic monitoring is effective for increasing contact with such individuals. However, electronic monitoring has not been found effective in greatly reducing the number of absconders.</td>
</tr>
<tr>
<td>The main benefits of electronic monitoring are:</td>
</tr>
<tr>
<td>• the increased contact it provides with individuals;</td>
</tr>
<tr>
<td>• a useful tool to monitor compliance with reporting restrictions;</td>
</tr>
<tr>
<td>• it provides an early warning should an individual try to abscond.</td>
</tr>
<tr>
<td>The increased contact provided by electronic monitoring is particularly beneficial with cases that have a high risk of non-compliance or pose a risk to the public.</td>
</tr>
<tr>
<td>In order to be suitable for electronic monitoring an individual must be subject to immigration restrictions and have fixed accommodation. The Home Office would not tag those under the age of 18, pregnant women, the elderly or those with mental health issues.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Guarantor requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>If this alternative to detention is available in your (Member) State,</em></td>
</tr>
<tr>
<td>To be effective as a surety, a person needs to be able to exert some control over (manage) the individual, thereby ensuring that they comply with the conditions of bail.</td>
</tr>
</tbody>
</table>

\(^4\) Sureties are people who will keep in touch with an individual released on bail and try to ensure that they do not break any conditions of release that might be made.
The use of detention and alternatives to detention in the context of immigration policies

please provide information on who could be appointed as a guarantor (for example, family member, NGO or community group)

Officers consider the nature of the surety’s relationship with the individual as well as their geographical proximity. In order to be acceptable, a surety should:

- have enough money or disposable assets (clear of existing liabilities) to be able to pay the sum due if bail is forfeited;
- be aged 18 or over and settled in the UK. A person on temporary admission or with limited leave to remain will rarely be acceptable as their own stay may be limited/curtailed;
- be a householder or at least well-established in the place where they live;
- be free of any criminal record;
- not have come to adverse notice in other immigration matters, particularly previous bail cases or applications for temporary admission;
- have a personal connection with the individual, or be acting on behalf of a reputable organisation that has an interest in their welfare.

There must be some credible reason why a person should be prepared to act as a surety. Unsubstantiated claims to be a friend of the individual are treated with caution. Professional sureties suspected of acting for financial gain or with a view to aiding evasion are likely to be rejected.

Release to care worker or under a care plan

An individual who is released to a care worker or under a care plan will still need to adhere to the restrictions imposed. The restrictions will take into account any possible medical limitations, but they will still need to remain in contact with the Home Office as part of their release conditions.

Community management programme

Not applicable.

Other alternative measures available in your (Member) State. Please specify

Not applicable.

Q2. For each of the alternatives to detention that are available in your (Member) State, please indicate the categories of third country nationals who may be provided an alternative to detention, making use of the list provided below and adding any additional categories as applicable. If there are variations in the practical organisation of any of the alternatives to detention provided to different categories of third country nationals, please indicate this is the case and briefly illustrate the variations.

- Applicants for international protection in ordinary procedures.
- Applicants for international protection in fast-track (accelerated) procedures.
- Applicants for international protection subject to Dublin procedures.
- Rejected applicants for international protection.
• Rejected family reunification applicants.

• Persons found to be illegally present on the territory of the (Member) State who have not applied for international protection and are not (yet) subject to a return decision.

• Persons who have been issued a return decision.

• Other categories of third country nationals.

• Vulnerable persons (such as minors, families with very young children, pregnant women and persons with special needs).

All categories of third country are considered for alternatives to detention. There is always a presumption in favour of temporary admission or temporary release in the UK. Wherever possible, alternatives to detention are used. The use of detention is as a last resort.

The UK also runs several Assisted Voluntary Return (AVR) programmes to assist irregular migrants or those who are in the asylum system and who wish to return home permanently.

Foreign national offenders (FNOs) who are serving, or have served, a custodial sentence in a UK prison can apply to leave the UK early with financial assistance under the Facilitated Return Scheme (FRS). In addition, prison governors have authority to sanction the early release of an FNO from prison under the Early Release Scheme (ERS). This is a mandatory scheme for all FNOs liable to deportation or removal from the UK.

Q3. For each of the alternatives to detention that are available in your (Member) State, please indicate the legal basis on which they may be granted to particular categories of third country nationals (for example, legislation, soft law/guidelines).

The legal basis for requiring an individual to report regularly to the police or immigration authorities can be found at paragraph 21 of Schedule 2 of the Immigration Act 1971 (temporary admission or release), paragraph 29 of that schedule (bail pending appeal) and paragraphs 2 or 5 of Schedule 3 to that Act (release subject to restrictions pending deportation).

In-country asylum applicants can be required to report under the application of section 71 of the Nationality, Immigration and Asylum Act 2002.

Q4. For each of the alternatives to detention that are available in your (Member) State, please indicate the authorities/organisations responsible for (a) deciding and (b) administering the alternative. Please indicate in particular whether the responsible organisation is a non-governmental organisation.

The Secretary of State for the Home Department or the Immigration and Asylum Chamber may decide whether an alternative to detention is appropriate for an individual. The ongoing monitoring and administration of the relevant restrictions is the responsibility of the Secretary of State for the Home Department.
Q5. For each of the alternatives to detention that are available in your (Member) State, please provide information on any consequences if the third country national does not follow the conditions of the alternative to detention.

Regular reporting
Should an individual fail to comply with the restriction of regular reporting, they may be marked as an absconder and circulated on the Police National Computer. If the individual is then located, the fact that they absconded will be taken into consideration when the Secretary of State considers whether detention would be appropriate.

Residence requirement
If an individual receives financial and/or accommodation assistance from the Secretary of State whilst their asylum application is pending (or has resulted in a negative decision), non-compliance may result in termination of this support.

Surrendering documentation
Should an individual fail to comply with the documentation process, they may be prosecuted under section 35 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, with a custodial sentence being a possible outcome.

Q6. Please indicate any challenges associated with the implementation of the alternatives to detention in your (Member) State (based on existing studies/evaluations or information received from competent authorities).

The key challenges for the alternatives to detention are compliance and cost.

Cost – Voice Recognition and Electronic Monitoring come at a cost to the business. Use of these are therefore limited and monitored closely.

Compliance – the requirement for individuals to attend a reporting centre or police station on a regular basis depends on their willingness to comply. Whilst consideration is given to the decision to use an alternative to detention, it relies upon the individual’s ongoing commitment to comply with processes.

Q7. Please provide any examples of good practices regarding the implementation of the alternatives to detention in your (Member) State. Please specify the source (for example, cited in existing evaluations/studies/other sources or based on information received from competent authorities).

The Family Returns Process (FRP) was a programme that was rolled out nationally in March 2011 as a key Government agenda to end the detention of children for immigration purposes. Some of the main aims of the process were:

- to increase the take-up of Voluntary Return and Assisted Voluntary Return (AVR) programmes;
- to ensure that the enforcement process takes into account the welfare of the children and
wider family;

- to prepare families for their return; and
- to give families the opportunities to make further representations and seek judicial reviews.

An evaluation of the FRP was carried out by the Home Office and found that the new returns process provided a framework allowing families to take responsibility for their return. Some of the findings from the research found that the FRP had a positive impact on family welfare and safeguarding children. Almost half of returned families in the FRP left via AVR or voluntary options. However, returns were found to take longer and be more resource intensive under the new process.

Some areas for possible improvement were identified; for example, having an overall strategic lead for the FRP process as well as the development of specialist family teams.

For more details, please see Family Returns Process published in December 2013.
5. Assessment procedures and criteria used for the placement of third country nationals in alternatives to detention

Q1. In Section 2, Q1, you have identified the grounds on which detention can be authorised for particular categories of third country nationals. In what circumstances can those grounds be displaced in favour of an alternative to detention in your (Member) State? Please provide answers in relation to each of the relevant categories of third country nationals. If there is a separate set of grounds for providing third country nationals with an alternative to detention in your (Member) State, please indicate this is the case.

Granting an individual an alternative to detention is always the starting point in the UK (temporary admission or temporary release). They will only be detained where these alternatives are not considered appropriate in the circumstances of their particular case.

Q2. Which other considerations are made before deciding whether to provide the third country national concerned an alternative to detention, for example, considerations regarding the availability of alternatives, the cost of alternatives, and the vulnerabilities of the third country national?

As above – in the UK there is a presumption in favour of temporary admission or temporary release, so these alternatives to detention must be considered before a decision is taken to detain someone.

Q3. Please indicate whether an individual assessment procedure is used to determine whether the grounds on which detention can be authorised can be displaced in favour of an alternative to detention. (Yes/No) If yes, please list the categories of third country nationals where individuals are subject to individual assessments

See above with response to Q1.

Q4. Where individual assessments are used, please indicate whether the procedure includes an assessment of the vulnerability of the individual in question. (Yes/No) If yes, please describe the vulnerability assessment procedure used.

There is no set vulnerability assessment procedure. Vulnerability must be taken into account in reaching decisions on whether or not to detain an individual.
Q5. Are assessment procedures for providing alternatives to detention conducted on all third country nationals who are apprehended, or only on those third country nationals who have already completed a period in detention?

See above with response to Q1.

Q6. Please indicate which national authorities are responsible for (i) conducting individual assessment procedures (where these exist) and (ii) deciding on alternatives to detention.

Home Office caseworkers or Home Office Border Force officers are responsible for deciding whether to detain an individual, and therefore whether alternatives to detention (temporary admission or temporary release) are appropriate in each particular case.

Decisions about release on bail are taken by immigration judges or High Court judges.

Q7. Please indicate whether judicial authorities are involved in the decision to provide an alternative to detention, and if so, at which stage(s) of the decision-making process and in what capacity? (For example, do judicial authorities make the final decision, do they only make a recommendation, do they only come in if the third country national appeals against a decision?)

As indicated, in the UK there is judicial involvement in decisions to grant bail, but not temporary admission or temporary release. There is no direct appeal against a decision to detain, although the person concerned can apply to an immigration judge for bail or bring legal proceedings (judicial review or habeas corpus) to challenge the lawfulness of their detention.
6. Impact of detention and alternatives to detention on the effectiveness of return and international protection procedures

6.1. Effectiveness in reaching prompt and fair decisions on the immigration status of the individuals in question, and in executing these decisions

6.1.1. Effectiveness in reaching decisions on applications for international protection

Q1. Have any evaluations or studies (including studies of the views of detainees of alternatives to detention) in your (Member) State considered the impact of detention and alternatives to detention on the efficiency of reaching decisions on applications for international protection? (For example, by affecting the time it takes to decide on international protection status.) (Yes/No) If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

See response in Q5, section 5 on the Family Returns Process.

Q2. Please provide any statistics that might be available in your (Member) State on the average length of time needed to determine the status of applicants for international protection who are held in detention and who are in an alternative to detention. Please provide the statistics for the latest year(s) available (for example ‘2013’, ‘2011–2013’) and, if possible, distinguish between the different types of alternatives to detention that are available in your (Member) State (the different alternatives are listed as A1, A2, A3, A4 in the table below; please explain what these represent in a key underneath the table).

Where statistics can be disaggregated by categories of third country nationals, please do so. Please provide information on the methodology and data collection.

Where no information is available, please indicate ‘No information’ and briefly state why no information is available.

Where it is not applicable, please indicate ‘Not applicable’ and briefly state why.

No information available
Q3. Please provide any other evidence that may be available in your (Member State) on the impact of detention and alternatives to detention on effectiveness in terms of reaching decisions on applications for international protection and provide any examples of good practice in this regard. (For example, cited in existing evaluations/studies/other sources or based on information received from competent authorities.)

A joint study by HM Inspectorate of Prisons and the independent Chief Inspector of Borders and Immigration looked at the effectiveness and impact of immigration detention casework. They specifically addressed the quality of the decision to detain in the first instance, the effectiveness of the procedures to review detention and the efficiency with which cases were progressed. In the study, 81 detainees across 5 immigration removal centres were interviewed and their case files assessed. They included people held under immigration powers for both less than six months and more than six months to obtain a representative sample.

The findings from the report suggest that in the majority of cases, the reason to detain was defensible and properly evidenced and most were progressed diligently and in line with legal and policy guidelines. They did find, however, that in some cases not all relevant factors (such as age or whether they are victims of trafficking) were considered before making the decision to detain.

In terms of detention reviews, 41 per cent of cases were consistently reviewed at the right level of authority whereas less than a third (27%) were carried out on time.

Finally, time-consuming asylum claims and problems with travel documentation were commonly cited reasons for prolonged detention. In most cases, travel documentation problems could not be easily resolved by the then UK Border Agency staff.

For more details see: The effectiveness and impact of immigration detention casework

6.1.2 Effectiveness in reaching decisions regarding the immigration status of persons subject to return procedures and in executing returns

Q4. Have any evaluations or studies in your (Member) State considered the impact of detention and alternatives to detention on the following?

- The length of time from apprehending an irregular migrant to issuing a return decision (Yes/No).
- The length of time that transpires from issuing a return decision to the execution of the return (Yes/No).
- The share of voluntary returns out of the total number of returns (Yes/No).
- The total number of removals completed (Yes/No).

If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report

See response in Q5, section 5 on the Family Returns Process.
Q5. Please provide any statistics that might be available in your (Member) State on (i) the average length of time that transpires from the decision to return a person in detention, and in (different) alternatives to detention, to the execution of the return procedure; (ii) the proportion of voluntary returns; and (iii) the success rate in the number of departures among persons who were placed in detention and in alternatives to detention. Please provide the statistics for the latest year(s) available (for example, ‘2013’, ‘2011–2013’) and, if possible, distinguish between the different types of alternatives to detention that are available in your (Member) State. (The different alternatives are listed as A1, A2, A3, A4 in the table below; please explain what these represent in a key underneath the table.)

No information available.

Q6. Please provide any other evidence that may be available on the effectiveness in reaching decisions regarding the immigration status of persons subject to return procedures and executing the return, and provide any examples of good practice in this regard. (For example, cited in existing evaluations/studies/other sources or based on information received from competent authorities.)

No other examples available.

6.2. Costs

Q7. Have any evaluations or studies on the costs of detention and alternatives to detention been undertaken in your (Member) State?

A study by Matrix was commissioned by Detention Action and funded by the London Trust. The report looked at the economic analysis of alternatives to detention as opposed to long-term detention. The objective of this research was to determine the cost savings associated with the timely release of migrants pending removal, who are currently detained for long periods only to be released back into the community. The former UK Border Agency (now known as UK Visas and Immigration) carried out risk assessments of ex-offenders prior to the decision to detain. It was suggested that the scope of the risk assessment could be extended in order to identify individuals who cannot be deported within a reasonable and lawful period of detention, and who will, therefore, eventually be released back into the community. Early identification and timely release of these individuals would save the cost of their protracted and lengthy detention.

The analysis conducted in the report suggested that an improved risk assessment of detainees could result in cost savings of £377.4 million over a 5-year time period. This estimate comprises:

- £344.8 million in detention cost savings over 5 years;
- plus £37.5 million in avoided unlawful detention payments over 5 years;
- minus £5.0 million in the extra cost of Section 4 support, including housing and living costs, for the additional time that migrants spend in the community.
Furthermore, the report suggested that a proportion of the expected savings could then be reinvested in more intensive community-based support, which in turn could generate increased rates of case resolution and voluntary return.

For more information, please see: An economic analysis of alternatives to long term detention

Q8. Please provide any statistics available on the costs of detention and alternatives to detention in the table below. Please provide the statistics for the latest year(s) available and, if possible, distinguish between the different types of alternatives to detention that are available in your (Member) State (The different alternatives are listed as A1, A2, A3, A4 in the table below; please explain what these represent in a key underneath the table.)

<table>
<thead>
<tr>
<th>Applicable year (2013/2014)</th>
<th>Detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total costs</td>
<td>£141 million estimate in 2013/145</td>
</tr>
<tr>
<td>Staffing costs</td>
<td>Cost cannot be broken down</td>
</tr>
<tr>
<td>Medical costs</td>
<td>Cost cannot be broken down</td>
</tr>
<tr>
<td>Food and accommodation costs</td>
<td>Cost cannot be broken down</td>
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<tr>
<td>Legal assistance</td>
<td>Cost cannot be broken down</td>
</tr>
<tr>
<td>Other costs (these could</td>
<td>Cost cannot be broken down</td>
</tr>
<tr>
<td>include any additional</td>
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<tr>
<td>costs that do not fall</td>
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<td>into the categories</td>
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<tr>
<td>above, for example, costs</td>
<td></td>
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<tr>
<td>of technical tools for</td>
<td></td>
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<tr>
<td>administering alternatives</td>
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<tr>
<td>to detention, such as</td>
<td></td>
</tr>
<tr>
<td>electronic tagging)</td>
<td></td>
</tr>
</tbody>
</table>

Q9. Please provide any other evidence that may be available in your (Member) State on the cost-effectiveness of detention and alternatives to detention, and provide any examples of good practice in this regard. (For example, cited in existing evaluations/studies/other sources or based on information received from competent authorities.)

See response to section 7.2, Q7 on studies on cost effectiveness.

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5 This estimation is based on figures obtained from a freedom of information request where the average direct cost of detention for the financial year of 2013/2014 was £99 per bed space per night. See: https://www.gov.uk/government/publications/costs-involved-in-detaining-and-removing-illegal-migrants

The use of detention and alternatives to detention in the context of immigration policies
6.3. Respect for fundamental rights

Q10 Have evaluations or studies been conducted in your (Member) State on the impact of detention and alternatives to detention on the fundamental rights of the third country nationals concerned (for example, with regard to the number of complaints of detainees or persons provided alternatives to detention)?

See response in Section 7.1.1, Q3.

Q11. Please provide any statistics that might be available in your (Member) State on the number of complaints regarding violations of human rights and the number of court cases regarding fundamental rights violations in detention as opposed to alternatives to detention. Please provide the statistics for the latest year available and, if possible, distinguish between the different types of alternatives to detention that are available in your (Member) State. (The different alternatives are listed as A1, A2, A3, A4 in the table below; please explain what these represent in a key underneath the table.) Please do the same with any statistics that may be available in your (Member) State on the number of voluntary returns.

No information available

Q12. Please indicate if studies exist in your (Member) States that show negative effects of the alternatives to detention in practice. (For example, ankle bracelets can be socially stigmatising and cause physical and emotional distress.)

There are no known studies conducted in the UK looking specifically at the negative impacts of alternatives to detention in practice.

Q13. Please provide any other evidence that may be available in your (Member) State on the impact of detention and alternatives to detention on the fundamental rights of the third country nationals, and provide any examples of good practice in this regard. (For example, cited in existing evaluations/studies/other sources or based on information received from competent authorities.)

See response to Q12 above.

6.4. Rate of absconding and compliance rate

Rate of absconding is the share of persons who have absconded from all third country nationals placed in detention or provided an alternative to detention.

Compliance rate is the share of persons who have complied with the alternative to detention.
Q14. Have evaluations or studies on the compliance rate and rate of absconding of third country nationals in detention and in alternatives to detention been undertaken in your (Member) State? Please provide details.

There are no known studies specifically focusing on the issues of compliance rates or rates of absconding of third country nationals in detention and/or alternatives to detention.

Q15. Please provide any statistics that might be available in your (Member) State on the rate of absconding and the compliance rate of third country nationals in detention as opposed to alternatives to detention. Please provide the statistics for the latest year available and, if possible, distinguish between the different types of alternatives to detention that are available in your (Member) State.

<table>
<thead>
<tr>
<th>Applicable year (2013)</th>
<th>Detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate of absconding</td>
<td>33,192*</td>
</tr>
<tr>
<td>Compliance rate</td>
<td></td>
</tr>
</tbody>
</table>

*Notes: 1. The data relate to the number of people who absconded, by calendar year. 2. Many of these people have subsequently been encountered and are no longer absconders. 3. People may have absconded more than once. 4. An asylum/non-asylum breakdown is not possible within this time frame. 5. The figures provided are sourced from a Home Office management information system. This is not quality assured under National Statistics protocols and is subject to change due to internal data quality checking. Figures provided from this source do not constitute part of National Statistics and should be treated as provisional.


Q16. Please provide any other evidence that may be available of the impact of detention and alternatives to detention on the rate of absconding and compliance rate of third country nationals in detention and in alternatives to detention.

No other information is available.
Statistics from EU-harmonised sources, such as Eurostat and the EMN Annual Policy Report on, inter alia, the outcome of international protection applications and returns, including voluntary returns, will be used in the Synthesis Report to contextualise the statistics provided in this annex.

Table 1: Statistics on the number of third country nationals in detention and granted alternatives to detention, by category

Total detainees are those detained in the UK solely under Immigration Act powers and exclude those in police cells, Prison Service establishments, short term holding rooms at ports and airports (for less than 24 hours), and those recorded as detained under both criminal and immigration powers and their dependants.

Asylum detainees: People detained solely under Immigration Act powers who are recorded as having sought asylum at some stage and may under record due to instances of detainees claiming asylum after the data extract date.

<table>
<thead>
<tr>
<th>Statistics on the number of third country nationals in detention, by category</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>Source/further information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of third country nationals in detention in each year?</td>
<td>2,457</td>
<td>2,372</td>
<td>2,274</td>
<td>2,520</td>
<td>2,571</td>
<td>Migration Statistics</td>
</tr>
<tr>
<td>Number of third country national applicants for international protection in ordinary procedures detained over an year</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of third country national fast-track international protection applicants (accelerated international protection procedures) detained in each year?</td>
<td>2,112</td>
<td>2,571</td>
<td>2,118</td>
<td>2,842</td>
<td>-</td>
<td>Asylum statistics</td>
</tr>
</tbody>
</table>

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6 Data are taken from Immigration Statistics October to December 2013, Detention tables dt_12 (People in detention by place of detention). The figures provided are snapshot data taken from the 31 December in each year of all those detained for more than 12 months. These figures exclude those whose nationality is marked ‘European’.

7 Asylum figures are taken from Asylum Vol. 2, Table 12 (Detained Fast Track Process). The figures provided are total applications accepted onto the Detained Fast Track Process. Please note that figures may include EU nationals. Figures for 2013 are not yet available. Data are as at date of compilation (2012: 13 May 2013; 2011: 14 May 2012; 2010: 9 May 2011; 2009: 7 June 2010; 2008: 8 May 2009).
### Number of rejected applicants for international protection

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,172</td>
<td>1,419</td>
<td>1,748</td>
<td>1,439</td>
<td>1,751</td>
</tr>
</tbody>
</table>

**Asylum Statistics**

### Number of applicants for international protection subject to Dublin procedures

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
</tbody>
</table>

### Number of rejected family reunification applicants

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
</tbody>
</table>

### Number of persons detained to prevent illegal entry at borders

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
</tbody>
</table>

### Number of persons found to be illegally present on the territory of the (Member) State who have not applied for international protection and are not (yet) issued a return decision

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
</tbody>
</table>

### Number of persons who have been issued a return decision

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
</tbody>
</table>

### Number of persons who cannot be returned and/or are granted tolerated stay

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
</tbody>
</table>

### Number of vulnerable persons who are part of the aforementioned categories of third country nationals

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,119</td>
<td>436</td>
<td>127</td>
<td>242</td>
<td>203</td>
</tr>
</tbody>
</table>

**Migration Statistics**

### Number of other third country nationals placed in immigration detention

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
</tbody>
</table>

### Statistics on the number of third country nationals granted alternatives to detention

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
</tbody>
</table>

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8 Asylum figures are taken from Asylum Vol. 2, Table 12 (Detained Fast Track Process). The figures provided are Initial Decision Refused in the Detained Fast Track Process.

9 These figures refer to children entering detention, solely under Immigration Act powers. Figures for 2013 have not been published. Child detainees are those with age recorded as under 18 at the start of their period of detention. These figures may include age-disputed cases. Some detainees may be recorded more than once if, for example, the person has been detained on more than one separate occasion in the time period shown, such as a person who has left detention, but has subsequently been re-detained. Figures may include EU nationals.

10 In 2010 the Coalition Programme for Government made a commitment to end the detention of children (i.e. persons aged under 18) for immigration purposes. Therefore numbers fall rapidly from 2010 onwards.
<table>
<thead>
<tr>
<th>Category</th>
<th>Data 1</th>
<th>Data 2</th>
<th>Data 3</th>
<th>Data 4</th>
<th>Data 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of third country national fast-track international protection applicants (accelerated international protection procedures) granted alternatives to detention</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of rejected applicants for international protection granted alternatives to detention</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of rejected applicants for family reunification</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of international protection applicants subject to Dublin procedures granted alternatives to detention</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of persons found to be illegally present on the territory of the (Member) State detained (such as those who have not applied for international protection and have not yet been issued a return decision)</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of persons who cannot be returned and/or are granted tolerated stay</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of persons issued a return decision granted alternatives to detention</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of vulnerable persons who are part of the aforementioned categories of third country nationals – please, where possible, disaggregate by type of vulnerable persons (for example, minors, persons with special needs) and by category granted alternatives to detention</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of other third country nationals granted alternatives to detention over a year</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
</tbody>
</table>
### Table 2: Average length of time in detention

<table>
<thead>
<tr>
<th>Average length of time in detention</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>Source/further information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average length of time of all categories of third country nationals in detention</td>
<td>29 days to less than 2 months</td>
<td>29 days to less than 2 months</td>
<td>29 days to less than 2 months</td>
<td>29 days to less than 2 months</td>
<td>29 days to less than 2 months</td>
<td><a href="#">Migration Statistics</a></td>
</tr>
<tr>
<td>Total number of third country nationals in detention over a year</td>
<td>208</td>
<td>254</td>
<td>142</td>
<td>134</td>
<td>75</td>
<td><a href="#">Migration Statistics</a></td>
</tr>
<tr>
<td>Number of third country national applicants for international protection in ordinary procedures detained over a year</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of third country national fast-track (accelerated) international protection applicants</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
</tbody>
</table>

11 The UK only publishes figures on length of detention by bands and not as averages. As the majority of detainees are held for short periods, the small number of people detained for the longer periods tend to distort the average figure. Furthermore, individuals may be counted in more than one quarter depending on how long they are detained. The length of time captured here is taken from the last quarter of every year. Data are taken from Immigration Statistics October to December 2013, Detention tables dt_11 (People in detention by sex and length of detention).

12 Please note that snapshot data are taken as of 31 December in each respective year. Therefore the data gives an approximation of how many detainees there are in that quarter and the true figure over the year may vary. Figures may also include EU nationals. Data are taken from Immigration Statistics October to December 2013, Detention tables dt_11 (People in detention by sex and length of detention).

The use of detention and alternatives to detention in the context of immigration policies
<table>
<thead>
<tr>
<th>Description</th>
<th>No data</th>
<th>No data</th>
<th>No data</th>
<th>No data</th>
<th>No data</th>
<th>No data</th>
</tr>
</thead>
<tbody>
<tr>
<td>(accelerated international protection procedures)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of rejected applicants for international protection detained over a year</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of rejected family reunification applicants detained over a year</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of applicants for international protection subject to Dublin procedures detained over a year</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of persons detained to prevent illegal entry detained over a year</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of persons found to be illegally present on the territory of the (Member) State (such as those who have not applied for international protection and have not yet been issued a return decision) detained over a year</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of persons who have been issued a return decision</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of persons who cannot be returned and/or are granted tolerated stay</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of vulnerable persons who are part of the aforementioned categories of third country nationals – please, where possible, disaggregate by type of vulnerable persons (for example, minors, persons with special needs) and by category</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
<tr>
<td>Number of other third country nationals placed in immigration detention</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
</tr>
</tbody>
</table>
The use of detention and alternatives to detention in the context of immigration policies