

Lack of Access to Justice for Asylum Seekers in Dungavel Detention Centre

Peace & Justice (Scotland)



Source: Global Justice Glasgow

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Table of Contents

Executive summary	3
Background	4
Recommendations	8
Objectives	9

1. Executive summary

- The UK has one of the largest detention centre estates in Europe. Dungavel is one of the detention centres and is situated in South Lanarkshire, Scotland.
- The UK continues to detain children, despite pledging to end this practice in 2010.
- There is no time limit on immigration detention. 52 per cent of those detained at the end of last year had been in detention for more than 28 days. In 2019, 63 per cent of the 24,512 people leaving detention were released back into the community.¹
- There are substantial concerns about the quality of the health care and ability to fulfil the high levels of demand for health care by detainees.²
- Although the capacity of the detention centre has been reduced recently, there continue to be reports of women experiencing gender-based violence.
- Detainees suffer from mental illness, often due to trauma experienced in their home country or en-route to the UK. Detention conditions can both cause or exacerbate existing mental health conditions. Uncertainty about length of detention was reported as being a significant worry, causing deterioration of welfare and mental health.³
- Very vulnerable detainees have been detained, including people suffering from poor mental health.⁴
- The detention centre is in an isolated area with no bus service. This curtails detainees' access to their family and support system, further undermining mental health and wellbeing.⁵
- The fact that detainees in the Dungavel detention centre have resorted to hunger strikes several times to protest the inhumane conditions they are held in is strong evidence of the need to ensure that every effort is made to limit detention and improve conditions in detention. Ultimately, detention should be ended in favour of community based alternatives.

¹ <http://sdv.org.uk/a-halt-in-the-downward-trend-but-not-in-scotland/> and

<http://sdv.org.uk/wp-content/uploads/2014/10/Parliamentary-briefing-on-detention-for-Scottish-MPs-.pdf>

² <http://sdv.org.uk/wp-content/uploads/2018/04/SDV-submission-to-the-Home-Affairs-Committee-Detention-Inquiry.pdf> and

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf p53

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf p53

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814689/hmip-annual-report-2018-19.pdf

⁵ <http://sdv.org.uk/wp-content/uploads/2014/10/Parliamentary-briefing-on-detention-for-Scottish-MPs-.pdf> p4

2. Background



The UK has one of the largest detention centre estates in Europe. In the UK, there are seven immigration removal centres (IRC): Brook House, Colnbrook, Dungavel, Harmondsworth, Morton Hall, Tinsley House, and Yarl's Wood.

Dungavel Centre / House is an immigration removal centre in South Lanarkshire, Scotland holding up to 125 detainees,⁶ with 12 spaces for women.⁷ Dungavel is the only detention centre in Scotland and is operated by the American private prison firm GEO Group.⁸ It is fifty minutes south of Glasgow and six miles from the nearest village of Strathaven, along a winding country road that cuts through the South Lanarkshire countryside.⁹

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This isolated location has harmful impacts on detainees' mental health and limits access to support. Short of relocating the detention facility to within Glasgow this report makes recommendations for ameliorating this situation.

⁶ Capacity was previously 249 but this was reduced in 2020.

⁷ <http://sdv.org.uk/volunteer/visiting-people-at-dungavel/>

⁸ <https://www.scottishrefugeecouncil.org.uk/unlocked-comes-to-scotlands-dungavel/>

⁹ <http://sdv.org.uk/volunteer/visiting-people-at-dungavel/>

Dungavel has been the scene of several protests by detainees¹⁰ over the inhumane conditions in which they are held and the detention of babies and young children prior to deportation. Detainees have often resorted to hunger strikes, in some cases lasting for over a year. The British media failed to report on hunger strikes in the detention centre in 2015.¹¹

Uniquely in Europe, the UK places no time limit on immigration detention. Unlike people beginning a prison sentence or people detained under terrorism legislation, people entering Dungavel have no idea how long they will be held. In 2019, 63 per cent of the 24,512 people leaving detention were released back into the community. In 2019, 37 had been in detention for over a year and one man had been detained for more than two and a half years (1,002 days).

Many people detained at Dungavel suffer from mental health issues, in some cases as a result of their indefinite detention and lack of communication with their families because of the isolated position of Dungavel.¹² Scottish Detainee Visitors (SDV) stated that there are concerns of poor mental health that could trigger other health conditions which are adversely affected by detention. Also, SDV notes that there is a very high use of health services in detention including an 'extraordinarily high' proportion of the detained population referred to secondary health services and uncertainty about length of detention is a significant health concern.¹³

Many of those detained had pre-existing serious mental health conditions such as schizophrenia and due to indefinite detention the mental health of some of these detainees has deteriorated.¹⁴ There are reports of the quality of the health care being inadequate. Detainees have reported that it can be difficult to get an appointment with a doctor and 'paracetamol' is offered for everything.¹⁵ SDV

¹⁰ <https://www.bbc.co.uk/news/uk-scotland-glasgow-west-36236986> and <https://detainedvoices.com/tag/dungavel/> and <https://socialistworker.co.uk/art/40257/Detainees+at+Dungavel+join+calls+for+freedom+as+protesters+gather+outside> and <https://sourcenews.scot/asylum-seekers-go-on-hunger-strike-at-detention-centre-in-scotland/>

¹¹ <http://rt.com/uk/240913-harmondsworth-immigrant-hunger-strike/>

¹² Written evidence to the Home Affairs Committee Detention Inquiry by Scottish Detainee Visitors 2017

¹³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf

¹⁴ SDV briefing paper 2017: Beyond immigration detention in Scotland p2

¹⁵ Ibid and <http://www.medicaljustice.org.uk/wp-content/uploads/2016/04/althcareinDetention-SummarybyMedicalJusticeforShawReview.pdf>

reported complaints about being given the wrong medication, difficulty in getting referrals for hospital appointments, problems with access to dentists, suspicions of over-prescribing sedatives and detainees missing pre-arranged hospital appointments.¹⁶ Furthermore, the isolated position of Dungavel, in particular the fact that there is no bus service, curtails detainees' communications with their families, and support systems and contributes to or causes mental health problems.¹⁷

The situation for women detainees is unacceptable. The most recent inspection report of Dungavel by SDV noted that: 'there were inevitable risks associated with holding women in a predominantly male centre.'¹⁸ A woman who had been detained there described it as being 'like a chicken surrounded by dogs'.¹⁹ Many women detainees have fled situations in their home country due to gender-based violence or have been subjected to sexual assault en-route to the UK, only to be placed indefinitely in a situation from which there is no escape from further harassment and the danger of abuse. Under these circumstances women have reported increased stress and deteriorating mental health as well as a lack of support services to address this issue.

Detainees in Dungavel face issues regarding their legal representation. SDV notes that under the current system, solicitors report that it is difficult to properly represent their clients due to communication issues arising from the isolated position of Dungavel and a lack of interpretation services.²⁰ Furthermore, detainees are often subjected to arbitrary moves around the detention estate, and this has particular ramifications for detainees in Dungavel given that Scotland and England retain separate legal systems. Dungavel detainees are often transferred to England before removal from the UK, which leaves the detainee with little opportunity for legal recourse as their Scottish solicitor may not be able to represent the detainee once in England and there would be little time to secure an English solicitor before removal.

¹⁶ Written evidence to the Home Affairs Committee Detention Inquiry by Scottish Detainee Visitors 2017

¹⁷ <http://sdv.org.uk/wp-content/uploads/2014/10/Parliamentary-briefing-on-detention-for-Scottish-MPs-.pdf> p4

¹⁸ <http://sdv.org.uk/wp-content/uploads/2014/10/Parliamentary-briefing-on-detention-for-Scottish-MPs-.pdf> p6

¹⁹ Life Inside Detention

²⁰ <http://sdv.org.uk/wp-content/uploads/2014/10/Parliamentary-briefing-on-detention-for-Scottish-MPs-.pdf> p5-6

The Scottish Government has no direct authority over Dungavel as immigration matters, including asylum, are reserved to the UK Parliament.²¹ However, the Scottish Government's New Scots Strategy has emphasized the importance of welcoming and integrating asylum seekers and refugees once they are in Scotland by providing support and education, housing, health and employment services. The use of detention centres like Dungavel is antithetical to this aim.

The SNP stated that they will oppose the detention of children and vulnerable people, including pregnant women and people with mental illnesses.²² The Scottish Greens support limiting detention to circumstances where a UK citizen would also be detained and closing Dungavel Immigration Removal Centre in favor of community based alternatives. In its discussion paper published on January 2020 the Scottish Government stated that:

“The Scottish Government remains concerned about the use of long-term and indefinite immigration detention and wants to see the system of immigration detention centres, such as Dungavel, replaced with a more humane approach including a maximum 28-day limit on immigration detention. The UK is the only European country that allows indefinite immigration detention with no statutory time limit.

The Scottish Government is keen to explore with the Home Office how to increase the use of community-based solutions for people currently held in immigration detention, where no crime has been committed or where a sentence has already been served. Closure of Dungavel should be part of a wholesale reform, otherwise it risks further isolating vulnerable people who could be transferred to another facility in the UK, limiting access to family and legal representation.”²³

²¹ <https://righttoremain.org.uk/toolkit/politicians/>

²² <https://www.snp.org/policies/pb-what-is-the-snp-position-on-immigration-detention/>

²³ <https://www.gov.scot/publications/migration-helping-scotland-prosper/pages/4/>

3. Recommendations

- More needs to be done by the Scottish Government on the basis of their authority over child welfare²⁴ and on the basis of international human rights law.
- Immediate and substantial improvements of communication should be made to increase the availability of legal representation and consultation.
- Improvements and availability of various means of communication to guarantee that detainees are able to communicate with their family, civil society organizations and support.
- Improvements and scaling up of access to health services and mental health care.
- Condemn Home Office policies on treatment of detainees.
- Since the Home Office has not yet agreed to limit detention to 28 days or to wholesale reform and closure of Dungavel, the Scottish Government should continue to press Westminster government for these reforms.
- Ultimately call on the UK government to limit detention to 28 days and end indefinite detention.

²⁴ <https://www.gov.scot/policies/child-protection/>

4. Objectives

Overall objective:

Improved access to communication and access to legal representation at Dungavel Centre for the detainees. Provision of health care and mental health care that meets actual needs. Limit and ultimately end detention.

SPECIFIC OBJECTIVES	SOURCES OF VERIFICATION
Access to regular means of communication for detainees with family and support systems.	<ul style="list-style-type: none">• Documented regular visits and easily accessible means of communication
Access to paralegal service for detainees who make claims of physical, psychological or sexual abuse, torture, or other violations of fundamental human rights.	<ul style="list-style-type: none">• Increasing access to expert psychiatric and related services
Access to legal counsel and representation for detainees who wish to initiate legal proceedings or have pending cases.	<ul style="list-style-type: none">• Increasing number of detainees' representation at the court of law or other authorities.• Speedy decision on the status of the detainees
Substantial increase / improvement in provision of health care and mental health care	<ul style="list-style-type: none">• Ensuring that health care provisions / access is the same as that available to the general public on the NHS.• Ending detention of those with mental health issues.
Change UK policy to limit detention to 28 days.	<ul style="list-style-type: none">• Policy changed.
Change policy of UK government to eliminate indefinite detention	<ul style="list-style-type: none">• Elimination of indefinite detention (Home Office policy)

*This paper was prepared for Peace & Justice (Scotland)
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