

From immigration detention to destitution

Lucy Williams reports on the plight of ex-detainees

The immigration detention estate in the UK is expanding – as of 30 September 2014, 3,378 people were held under immigration rules. Immigration detainees may have claimed, but been refused, political asylum and may have lived here for many years before losing their entitlement to stay. Detention is not always the end of their story in the UK however, and I aim to show how migrants stay in the UK, often for many years, with diminishing rights and in fear of re-detention, destitution and deportation. I discuss people supported under Section 4 of the *Immigration Act 1999*, currently numbering about 4,800, which provides no-choice accommodation and a cashless payment of £36.62 per week to spend in designated shops. Some are the so-called ‘non-returnables’ with no route back to their countries of origin (see Vanderbruggen et al., 2014) while others fear persecution on return and may have established families in the UK. I also make brief reference to former unaccompanied asylum-seeking children refused asylum. Throughout I draw on my own qualitative research and use ‘deportation’ in its common usage of forced removal, rather than in its strict legal sense of removal after a deportation order.

Uniquely in Europe, UK immigration detention is not time-limited and while intended to be short-term and administrative (to establish identity, determine asylum claims and facilitate removal) some are detained for many months, if not years. A minority of asylum seekers are detained on arrival, in the Detention Fast Track (DFT), but many more migrants are detained after they

have been in the UK for years. There are currently 13 Immigration Removal Centres (IRCs) in the UK, plus temporary holding centres in airports and police stations. In addition time-served foreign national prisoners are held under immigration rules in prisons.

IRCs work on the assumption that detainees are close to removal and that their immigration cases are settled and decided (Bosworth, 2014). In reality, while 55 per cent of detainees were removed to their home countries directly from detention, 37 per cent were released into the community either after a bail hearing or on temporary release granted with little notice and possibly without support in place. Release is conditional, and migrants may be obliged to stay in specified accommodation once freed. They may be under curfew and wear electronic tags.

The majority of former detainees must sign regularly at immigration reporting centres. Until they can establish a ‘right to remain’, release is contingent and migrants have the threat of re-detention and removal hanging over them. They are forbidden from working. Section 4 support is available to migrants facing deportation if strict criteria are met, but applicants must take the whole package and cannot opt for the weekly payment without the accommodation element.

Section 4 support keeps migrants just out of destitution but comes at a high price in terms of surveillance and control. Most former detainees I have met say that while living in Section 4 accommodation is preferable to detention, it cannot be equated with freedom or with life ‘in the community’. As discussed in

detail elsewhere (Klein and Williams, 2012; Carnet et al., 2014), life without secure immigration status means experiencing the full weight of state control without rights to movement, employment or self-determination. Reporting regularly to immigration authorities is stressful as it can mean re-detention and deportation. Azure payment cards are inflexible and stigmatising, and their use is monitored – showing further surveillance. A Zimbabwean housemate of a research participant was recently hospitalised so didn’t use his Azure card for some weeks. Lack of activity on the card was interpreted as evidence of absconding and, on discharge from hospital, he found his room had been reallocated and his possessions dumped; it was his responsibility to inform the Home Office and the accommodation provider that he had been hospitalised.

Support

Section 4 means living in an uncomfortable and precarious position but it is not destitution. Migrants become destitute when they have been released from detention without prearranged support or when support is withdrawn or breaks down. The alternative to Section 4, reliance on friends, is also precarious: if these relationships break down, the applicant must supply evidence dated no more than two weeks before eviction even though there is no guarantee that a support package will be arranged within these two weeks. Applying and re-applying for Section 4 is complex and requires completing a 35-page form and submitting numerous pieces of evidence. Since April 2014 official advice has only been provided via a telephone helpline, and so anyone without access to a working phone would be effectively excluded.

Post-detention support is fraught with problems. People relying on friends or acquaintances for a roof over their heads are vulnerable to many kinds of abuse, and even strong relationships are likely to buckle under the pressure of supporting someone without permission to work and with no

recourse to public funding. Homeless migrants must provide proof of address and their lack of financial resources. Migrants are eligible for primary healthcare but registration is difficult and as many prefer walk-in clinics to GPs, they therefore lack contact with one of the few sources of authoritative evidence who could back up their claims for support. They are caught in a vicious circle by which their exclusion impedes their access to entitlements.

Deportation and wider implications

The situation of migrants freed from immigration detention yet still facing deportation is the very epitome of precarity. Their only means of state support is contingent on their continuing vulnerability and, as well as requiring people to live in situations in which they are physically constrained and unable to support themselves, support can be withdrawn and is hard to re-establish. It is not uncommon for the Home Office to attempt to return people to countries that deny them entry. The author knows of cases where migrants have been repeatedly flown to their countries of origin, with increasing numbers of escorts, only to be refused entry and brought back to the UK. Others are 'unreturnable' because, while their asylum claim has been refused, the Home Office recognises the risk of human rights abuse in their countries of origin.

Deportations may be delayed because destination countries refuse to issue documentation and there may be particular issues getting travel documents for children born in the UK. Migrants who cannot be deported to their countries of origin may be less liable to re-detention and forced removal, but the Home Office rarely lifts the threat of return and expects migrants to prove that they are actively trying to return. For this group, destitution is a very real threat as they must either continually argue for their right to meagre support, live under the constraints

this support imposes, or rely on the support of their communities.

In the case of people from countries where removal is possible and frequent, for example Afghanistan, the fear of detention and deportation is acute. Afghans who came to the UK as unaccompanied asylum-seeking children but who have been refused asylum, face deportation on reaching adulthood. They have grown up in the UK and have been encouraged to integrate, but now can face destitution prior to deportation. They are care leavers but their immigration status, as 'Appeal Rights Exhausted', prevents them from accessing the normal rights of young people leaving care.

Two young people in this situation, Ali and Ahmed, face forced return to a country where it is likely that their westernised behaviour, body language and appearance will mark them out and make them vulnerable as new returnees (Schuster and Majidi, 2013). They have experienced detention and they have seen their friends detained and removed. Their options are to cooperate with the Home Office and receive minimal support, or 'go underground'. Ahmed reflects on his life: 'Our life is like – not a human life. We can't move, we can't do nothing, we can't go to college, we can't work – nothing... we are hiding people'.

Control

For refused asylum seekers who believe they would be in danger if returned 'home', the state represents control not support. Detention is the clearest form of this control and physical force and restraint is used to get migrants onto aeroplanes, sometimes with fatal results as in the case of Jimmy Mubenga. Section 4 support prevents destitution, but creates an experience of control and surveillance. Destitution, with all its dangers and deprivations, may be seen as 'freedom', but once destitute and outside the system it is very difficult for migrants to re-enter and restart claims for protection.

Even people who have been refused asylum and have no more appeals can make a 'fresh claim' and this hope may explain why absconding rates for 'failed' asylum seekers are low and why so many continue to cooperate with the authorities.

The implications for the wellbeing of migrants caught up in the structural exclusion of detention, destitution and deportation are obvious. However, the methods used to manage them – telephone helplines, cashless payment systems, tags and no-choice accommodation – have implications for citizen populations as well. Support packages are increasingly privatised and cost is prioritised over quality. Plans already exist to link welfare with control for other stigmatised groups and it seems clear that, as in Social Fund replacement schemes, technologies currently being tested on migrants could be rolled out to other excluded groups such as the homeless, the poor, and people on long-term sickness benefit. ■

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