

How immigration policies are enforced

'I just wanted to take my Bible, but they didn't let me.'

A detainee interviewed by NI Human Rights Commission researchers, *Our Hidden Borders: The UK Border Agency's Powers of Detention*, (see: http://www.nihrc.org/index.php?page=subresources&category_id=25&from=1&resources_id page 52.)

'I spent a lot of time at Oakington Immigration Reception Centre and it is not organised on the idea that human beings are infinitely worthwhile.'

Dr Rowan Williams, Archbishop of Canterbury, commenting on the immigration detention system, February 2008. (see: <http://www.reconciliationtalk.com/immigration/page/2/>)

The enforcement of immigration controls, at our ports, airports and the border, through **Operation Gull**, the joint PSNI, Garda Siochana and UK Borders Agency (UKBA) operation, causes concern. Hundreds of people have been apprehended since 2005 (the recent annual total is believed to be around 600) and then detained in GB prior to removal from the country. In addition, because some immigration infringements are now criminal offences, a number of foreign nationals in the Northern Ireland prison system are there because of offences such as the carrying of irregular documentation. There is no independent oversight of Operation Gull and it is widely suspected that people are targeted because of their ethnicity. A number of people have been compensated because of the detention of innocent visitors.

Jamiu Omikunle, a Nigerian student, was detained at Aldergrove on his way from London to Belfast to act as godfather at a baptism. He was awarded £20,000 in February 2009 following his unlawful detention in Dungavel Immigration Removal Centre in Scotland. (See <http://www.belfasttelegraph.co.uk/opinion/columnists/eamon-mccann/eamon-mccann-why-some-deportations-are-a-black-and-white-issue-14184389.html>.)

This is not an isolated case. For other concerns about Operation Gull see the Law Centre (NI) briefing, July 2007, at <http://www.lawcentreni.org/operation-gull.html?q=operation+gull>

In April 2009 The Northern Ireland Human Rights Commission published the results of research on the application of immigration legislation here, in a document entitled *Our Hidden Borders: The UK Border Agency's Powers of Detention*. (View document at [http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/109/Our_Hidden_Borders_immigration_report_\(April_2009\).pdf](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/109/Our_Hidden_Borders_immigration_report_(April_2009).pdf)) Researchers Dr Nazia Latif and Agnieszka Martynowicz examined the way Operation Gull operates as well as the day-to-day interviewing of people in their homes and workplaces. They call this 'traditional enforcement'. What emerged was a disturbing picture of insufficient legal safeguards and oversight, a need for human rights training, greater awareness by magistrates, inconsistent practice in informing people about their legal rights and access to interpreters sometimes determined by cost. The report emphasises the importance of challenging myths and popular discourse, and quotes one immigration officer who expressed the view that 'Whatever the Daily Mail and Star have a rant about is what gets listened to.'

UKBA officials have the right to detain anyone they suspect of committing an immigration offence (such as working here without permission), as well as people within the asylum system. This may include asylum applicants who live in the community, but are thought to have broken the Home Office rules, e.g. by undertaking paid work, which is usually not permitted. Others are detained when it is felt that their application has little hope of success, or the process seems to be exhausted. There are usually more than 2,000 people detained in **Removal Centres** at any one time and anxieties continue to be expressed, for example by the Refugee Council, (see <http://www.refugeecouncil.org.uk/supportourwork/vulnerable-women/more/detention.htm>) about how they are held.

People picked up in Northern Ireland [used to be detained in the prison system](#) here but are now sent to removal centres in Scotland and England and there are worries that they may not get timely legal advice and that detainees, removed to GB lose contact with family, friends and support networks, including the solicitors who are familiar with their cases. In late 2007 people from Mountpottinger Presbyterian Church, in East Belfast campaigned, with others, against the detention and removal of the Falode and Adefowaju families who were part of their congregation. Both families had fled from Nigeria. In spite of a hard-fought campaign they were removed from the UK. These cases highlighted how children suffer and feel criminalised by the experience of detention. The leaders of the four largest churches interceded with the Home Secretary on behalf of the families. (See

<http://www.presbyterianireland.org/News/news2007/news0624.html>) They expressed their acceptance of the need to have an immigration policy but said:

'It should not over-ride basic human rights and the religious freedom of each individual. These, we believe, must always be protected.'

Rev Johnstone Lambe, minister of Mountpottinger Presbyterian Church found it hard:

'What I personally will never forget, are the eyes of Ronke's boys looking up at me and asking "What have we done wrong?" and my sense of helplessness as I watched them pass through the door to their detention centre as branded criminals.'

See page three of the EMBRACE Newsletter: <http://www.embraceni.org/wp-content/uploads/2008/06/News%20sheet%2011.pdf>

The *New Statesman* recorded the children's feelings:

' "They make you feel like a criminal, when you haven't done anything wrong," says Adebowale.' [Adebowale Falode aged nine.]

See www.newstatesman.com/200712130038

In 2010 the **Refugee Action Group (RAG)** published *Distant Voices, Shaken Lives; Human Stories of Immigration Detention from Northern Ireland* (View at: <http://www.refugeeactiongroup.com/download?id=MTg>), a report that challenges the system by including the first hand accounts of 8 men and women who had been detained and suggesting alternatives to detention.

In order to alleviate some of the difficulties for detainees, RAG had already prepared an **Information Pack** (view at: <http://www.refugeeactiongroup.com/download?id=Nw>) in 2008 for people who may be detained. This contains contact details for local (NI) and GB support organisations and groups; advice on rights and how to access legal advice and representation; and suggestions on how to be prepared, including keeping documents, medication and phone numbers to hand. It is also a helpful set of documents for people who are campaigning on behalf of someone who is in detention.

RAG also established an out-of-hours **Immigration Detention Emergency Helpline 0800 400 495** (see: <http://www.refugeeactiongroup.com/content.jsp?id=Nw>) operated by a rota of volunteers who take details from the callers, and offer to pass on information about the detention to family and friends, and to an immigration solicitor. The scheme should also produce valuable information about what happens to people whose detention is normally impossible to research, as they do not appear in official statistics. So, it is hoped that travellers who observe someone being detained will also ring the helpline. Helpline cards can be obtained from EMBRACE.

In November 2009 it was revealed that 1,300 children had been held in UK removal centres during a recent 15-month period. (See: <http://news.bbc.co.uk/1/hi/uk/8335602.stm>) This followed the publication in October 2009 of the results of the **first paediatric study** of children in detention. (See: http://www.childrensociety.org.uk/whats_happening/media_office/latest_news/18550_news.html) The doctors found that a majority of the 24 children detained at Yarls Wood Removal Centre were experiencing mental and physical health difficulties related to their detention. These included weight loss, sleep disturbance and bed-wetting, daytime incontinence (indicating severe stress), headaches, abdominal pain and behavioural problems. The study showed deterioration in the mental health of the parents as well as their children. Senior doctors including the Royal Colleges of Paediatrics and Child Health, GPs and psychiatrists as well as the UK Faculty of Public Health said that detention of children and their families causes 'significant harm' and should be ended as soon as possible. In May 2010 the coalition Government announced its intention to end child detention.

The **Medical Justice Network** (www.medicaljustice.org.uk) facilitates the provision of independent medical and legal advice for people who are seeking asylum and detained in immigration removal centres. They also campaign to improve conditions for people in detention. Their literature gives a sense of how traumatic detention can be:

'My torture was terrible, but giving birth in handcuffs came a close second.'

'When you're watching your village burn to the ground, getting proof isn't the first thing on your mind.'

'Being raped didn't hurt as much as being told it never happened.'

From www.medicaljustice.org.uk/images/documents/medical-justice-booklet-july-2007.pdf