

Immigration Enforcement

EMBRACE 2019

Officials have the right to detain anyone suspected of committing an immigration offence, or if their removal or deportation is pending. There is a Common Travel Area and local people can usually cross the border without any formal checks, and European Union citizens, at least until after Brexit, have freedom of movement for the purposes of work. But the authorities in Ireland, both north and south try to prevent movement for the purposes of human trafficking and other organised crime. They also try to control unauthorised movement into the island of Ireland or across the internal border between the Republic of Ireland and the UK by people from outside Europe who do not have the proper visas. This can include people who have no idea that their visa does not entitle them to cross the border. See the fact sheet <https://www.embraceni.org/wp-content/uploads/2012/10/CROSSING-THE-BORDER.2017.pdf>

In recent history, the enforcement of immigration controls, at our ports, airports and the border, has been through Operation Gull, a joint PSNI, Garda Síochána (Irish police), and UK Home Office operation.

The Home Office also conducts enforcement raids on homes and work premises within N Ireland to detect immigration offenders including those who have either overstayed their work or visitors' visas or who have never had proper documentation.

People within the asylum system have to report regularly to the Home Office in Belfast and may be detained at any time, if it is felt that their case has little hope of success, if they have exhausted all appeals, or are thought to have broken Home Office rules. This makes reporting a frightening process. But former detainees often go on to get refugee status.

In the UK, those who are charged with immigration offences may be remanded in custody within the prison system but the majority of immigration detainees are housed in Immigration Removal Centres (IRC) pending their removal or deportation. There is currently no maximum time limit on how long they can be held. There is an ongoing campaign against indefinite detention and the conditions in centres. E.g. see www.libertyhumanrights.org.uk/campaigning/oppose-indefinite-detention

UK has the largest detention facilities in Europe. Between 2009 and 2017, 2,500 to 3,500 people were detained in the UK at any given time. In 2017 27,300 people were detained. Read more in the Migration Observatory briefing *Immigration Detention in the UK*, July 2018 <https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>

Many immigration detainees are released, but in 2017, 32,551 people were removed from the UK or left voluntarily after the Home Office initiated their removal, including 6,100 people who had committed criminal offences and 5,316 refused asylum applicants, or their dependents. See the Migration Observatory briefing, February 2019, *Deportations, Removals and Voluntary Departures from the UK* <https://migrationobservatory.ox.ac.uk/resources/briefings/deportations-removals-and-voluntary-departures-from-the-uk/>

Larne House, Co. Antrim

People picked up in N Ireland used to be detained within the prison system locally but are now sent to Larne House Short-term Residential Holding Unit, Larne, Co. Antrim, where they can be held for a maximum of seven days, prior to being moved to Removal Centres in GB, removed from the UK or released – in some cases to apply for asylum. The Home Office does not usually issue local statistics but the Detail investigate website says that between 2011 and 2018 more than 4,000 people had been detained in Larne House.

While three quarters of those who detained will have been from outside Europe, the Detail website reveals that 151 European Union nationals, were detained in Larne House in 2016 and 92% were deported subsequently.

www.thedetail.tv/articles/record-number-of-eu-citizens-deported-from-northern-ireland-in-2016

Local clergy visit Larne House regularly, as part of the Larne House Religious Advisory Group. There is also a secular volunteer visitors' group, a member of the Association of Visitors of Immigration Detainees (AVID).

www.aviddetention.org.uk/visiting/visitors-groups/larne-house-visitors-group

There has been unease about the inappropriate use of police custody suites for immigration detainees but this seems to have decreased and transfers are quicker since Larne House opened. See an inspection report from 2016.

www.rqia.org.uk/RQIA/files/16/16b4138d-4716-4325-9a2a-382930cf615e.pdf

The implications of Brexit

There is concern that, while there may be no intention to set up routine border checks after Brexit, Northern Ireland may experience heavier enforcement of immigration control and that ad hoc checks will be carried out on the basis of racial profiling. See Fidelma O Hagan's article, 'Brexit and immigration control in Northern Ireland', <https://brexitlawni.org/blog/brexit-immigration-control-northern-ireland> and 'The Irish border and Brexit' <https://fullfact.org/europe/eu-referendum-and-irish-border/>

Further Reading

The Report of the Inquiry into the Use of Immigration Detention in the United Kingdom: A Joint Inquiry by the All Party Parliamentary Group on Refugees & the All Party Parliamentary Group on Migration, 2015 <https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf>

Report on an unannounced inspection of the short-term holding facility at Larne House by HM Chief Inspector of Prisons, 2016 www.justiceinspectrates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2016/06/Larne-House-web2016.pdf

Robin Wilson, 'Immigration Detention in Northern Ireland', 2011

www.crimeandjustice.org.uk/publications/cjm/article/immigration-detention-northern-ireland

Liz Griffith, 'Prison by another name' in *Frontline Social Welfare Law Quarterly*, 81, 2011

Robin Wilson, *Distant Voices, Shaken Lives; Human Stories of Immigration Detention from Northern Ireland*, 2010 www.embraceni.org/wp-content/uploads/2012/10/Distant-Voices-Shaken-Lives.pdf

NI Human Rights Commission *Our Hidden Borders: The UK Border Agency's Powers of Detention Law Centre (NI) briefing on Operation Gull*, 2008 www.embraceni.org/wp-content/uploads/2012/11/our-hidden-borders-uk-border-agency-powers-of-detention-immigration-report-2009.pdf