



All-Party Parliamentary Group on Immigration Detention

Inquiry into quasi-detention

Interim report – summary of oral evidence sessions

a) Introduction

The APPG on Immigration Detention is currently conducting an inquiry into the UK government's use since April 2020 of large-scale, institutional sites – such as Napier Barracks in Kent and Penally Camp in Wales – to house destitute people seeking asylum.

Replicating many of the features found in detained settings – including visible security measures, shared living quarters, reduced levels of privacy, and isolation from the wider community – such sites are in the APPG's view most accurately described as 'quasi-detention' and therefore fall within the remit of the group.

As part of the inquiry, in July 2021 the APPG held three oral evidence sessions with key witnesses, including current and former residents at the sites, and doctors, lawyers and NGOs working directly with residents.¹ The witnesses reported many issues and concerns, including unsanitary, crowded, 'prison-like' conditions at the sites; chronic levels of sleep deprivation; ineffective safeguarding; inadequate access to legal advice and healthcare; problematic changes in the processing of residents' asylum claims; and intimidation and mistreatment of both residents and NGO workers supporting them. Much of the evidence also highlighted the profoundly negative impacts the sites were having on the mental health of residents, many of whom were already vulnerable.

A more detailed summary is provided in section (b). The evidence gathered raises questions not only about the government's operation of the sites, but about the sites' fundamental suitability for use as asylum accommodation. We note that the sites were believed by many witnesses to be a test-run for the UK government's proposed 'asylum reception centres' and other planned changes laid out in its New Plan for Immigration and current Nationality and Borders Bill. Given the seriousness of the concerns discussed below, the APPG has deep reservations about the introduction of these changes, and more generally about the government's overall direction of travel in terms of asylum policy.

A comprehensive inquiry report will be issued by the APPG in the coming weeks. In the meantime, the evidence collected so far, including transcripts and videos of the oral evidence sessions and written submissions, is available to view at www.appgdetention.org.uk.

¹ A full list of sessions and witnesses is available at the end of the document.

b) Concerns and issues raised by witnesses

1. Arrival

- 1.1 People were transferred to Napier Barracks and Penally Camp (“the sites”) at extremely short notice and were not told where they were being taken.

2. Conditions

- 2.1 Residents described the sites as feeling “*prison-like*” and explained how the environment affected their mental health. One resident at Napier said: “*When I arrived, the fear completely overwhelmed me. The design of the camp was oppressive. The high fences, the sheer numbers of people, the security who... looked like they were from the military. It was terrifying and I could feel it from my whole body. It reminded me of the military camp in [my home country]. I was in complete shock for the first few days. I didn't sleep at all and I didn't eat... I didn't speak to anyone. I was in shock. My body was in shock. It reminded me of [my home country] and I could not function.*”
- 2.2 Conditions at the sites were cramped and unsanitary. The number of people, levels of noise, and lack of privacy – particularly in the dormitories and shared bathrooms – were all key concerns.
- 2.3 The conditions were leading to chronic sleep deprivation amongst residents. One said: “*I can't sleep, there is so much noise at night. Everyone has their own problems, everyone is noisy, everyone is stressed, everyone is worried, everyone is tense. I sleep maybe 2-4 hours a night.*” Another was worried about how the lack of sleep might affect his legal case: “*I'm mentally and physically drained all the time, and this doesn't put me into the right mindset for engaging with my asylum claim.*”
- 2.4 The lack of private space was also forcing residents to hold sensitive discussions, for example with lawyers, within earshot of other residents and/or staff. This had implications for disclosure, confidentiality and the person's mental health.
- 2.5 Residents at Napier described how people could stand outside the site and stare in, making it feel like a “zoo” or a “showroom”. This felt very dehumanising and affected people's mental health.
- 2.6 Wi-fi access was limited and intermittent, and some people did not have mobile phones and/or money to buy credit. This impacted on residents' ability to contact family and friends and access lawyers and other support links.
- 2.7 There were regularly long queues for key facilities, including toilets and showers.
- 2.8 Whilst the sites had previously housed military personnel, this did not make them suitable for people seeking asylum. As one former resident said: “*I know that this place was used for soldiers. But you should have it in mind that the soldiers should be prepared for battles or war or hard times... (W)e, the asylum seekers, were just running away from these things.*”

3. Safeguarding

- 3.1 Mechanisms for identifying and safeguarding vulnerable people before and during their placement at the sites were inadequate.

- 3.2 The High Court had recently found the Home Office's process for identifying people too vulnerable to be placed at the sites to be flawed and unlawful.
- 3.3 The flaws included a lack of any meaningful vulnerability screening prior to a person's arrival and an absence of any mechanism to detect deterioration in residents' physical or mental health during their stay.
- 3.4 The result was that many of the residents at the sites were in fact vulnerable, including individuals with serious mental health issues such as post-traumatic stress disorder and suicidality. Such vulnerabilities often resulted from torture, trafficking or other abuses experienced in their home country or during their journey to the UK.
- 3.5 It also included age-disputed unaccompanied children. It was reported that 4 such children had been sent to Napier since April 2021. Others had been sent there previously.
- 3.6 Residents were self-harming and attempting suicide on-site. Former residents who gave evidence had witnessed suicide attempts. They were very concerned that one of the men involved had been kept on-site in an isolation block for several weeks after the incident, rather than being transferred away from the site, while another had been hospitalised but was returned back to the camp the next day.
- 3.7 There was a lack of safeguarding expertise at the sites. For example staff at Napier had only very belated been given basic safeguarding training, and appeared unaware of key processes, such as the National Referral Mechanism for victims of trafficking.
- 3.8 In the absence of effective safeguarding measures, the Home Office appeared to be relying on lawyers and legal interventions to identify vulnerable people. Many vulnerable people had been, and continued to be, moved out of the sites as a result of such interventions, having experienced additional suffering during their stay. It was not acceptable to rely on such interventions as a substitute for proper safeguarding measures, not least given the barriers to effective legal support faced by residents (see section 7).

4. Healthcare – general

- 4.1 Healthcare was "*bordering on non-existent*" according to one medical practitioner.
- 4.2 There was only one nurse on site at Napier Monday to Friday, 9am to 5pm, for a population that at times reached almost 400, including many vulnerable people, with inadequate support for urgent 'out of hours' medical needs.
- 4.3 The on-site nurse could prescribe some medication and make referrals to community health services but this was not always happening.
- 4.4 Residents were supposed to be registered automatically at the local GP practice. However, some were not aware that this had happened, and others had not been registered at all.
- 4.5 People seeking asylum in the UK are fully entitled to access GPs and other health services. At Napier, however, their access was being managed by the on-site nurse to whom they had to submit a request. The nurse would then decide whether, for example, a GP appointment was necessary. This reduced residents' agency over their healthcare. Some residents also found the process difficult because it involved disclosing sensitive medical information to the nurse, whom they perceived as being connected to the Home Office. It was especially inappropriate for survivors of torture and sexual violence given difficulties of disclosure around this, and more generally created a barrier to residents accessing healthcare.

- 4.6 Non-medical staff, such as security staff, had consistently been seen conducting triaging of medical care at the site.
- 4.7 The on-site response at Napier to an outbreak of scabies (a highly infectious skin condition) was inadequate, with residents reportedly having to share cream to treat their infections.

5. Healthcare – mental health

- 5.1 The site was having a negative impact on residents' mental health. Factors contributing to this impact included: the prison-like features of the sites, which could be re-traumatising; residents' lack of information about what was happening to them; mistreatment by staff and a feeling of not being able to trust those around them; harassment by people protesting outside the sites; noise levels; the lack of privacy; and sleep deprivation.
- 5.2 Many residents at the sites required mental healthcare services, including access to psychological therapy. One medical NGO reported that 70% of the residents it had seen at Napier had been diagnosed with psychological conditions.
- 5.3 Despite this, there was no provision of mental health services at either site.
- 5.4 Mental health treatments also required a calm, stable and supportive environment to be effective, which did not exist at the sites.
- 5.5 Many residents experienced a rapid deterioration in their mental health after arriving at the sites. This was likened to the deterioration seen in people detained in IRCs.
- 5.6 There had been cases of people's therapy being stopped as a result of being transferred to Napier.
- 5.7 In the view of one former resident at Penally: *"It would be difficult to design a system that more perfectly delivers despair and deteriorating human health and mental capacity than these asylum camps"*.

6. Healthcare – Covid-19 safety

- 6.1 Public Health England (PHE) and Public Health Wales (PHW) had both expressed concerns about Covid-19 safety at the sites. PHE had advised that the opening of Napier was not supported by current guidance. More recently, the Department of Health's Joint Bio-Security Centre had expressed concerns about Napier becoming a site of "reoccurring or enduring transmission".
- 6.2 It was impossible for residents to effectively socially distance at the sites, given the shared accommodation, bathroom, dining and other facilities. There was also a lack of soap and hand sanitiser at times.
- 6.3 One former resident described his experience of contracting the virus at Napier during a major Covid outbreak in January/February 2021: *"(W)e just completely felt we are ignored, we are neglected. No one like doctors or nurses came to ask how we feel or if we need anything. We were just left behind. People were lying on bed. You could hear the sneeze and cough all around the camp... it was like the apocalypse somehow."*
- 6.4 He felt it was wrong that residents had been blamed for the outbreak, since social distancing was so difficult. Furthermore, people had been allowed to mix freely, even if they had tested positive. By the end of February almost half the population of the camp (197 people) had become infected.

- 6.5 The recent High Court ruling had stated that “substantial improvements” were required at Napier for it to become lawful, including measures to reduce Covid infection. Yet witnesses were not aware of any significant improvements. There were still up to 14 people to a dormitory for example, and shared facilities.

7. Access to legal advice and representation

- 7.1 The sites were a poor context from which to engage with legal processes generally and the asylum process in particular. One NGO said: *“(E)verything to do with how the asylum process works at Napier and how it's explained to residents is chaotic. There's a lot of uncertainty and confusion around it.”*
- 7.2 Residents needed legal advice on asylum and public law matters, but faced many barriers in terms of accessing it – and little was being done to address this.
- 7.3 On-site staff did some signposting but relied heavily on NGOs to ensure residents were connected with lawyers. The quality, capacity and level of expertise amongst some law firms working with residents were also of concern. There was a lack of private space to hold confidential legal discussions, and insufficient internet and mobile phone access, making communication difficult.
- 7.4 No face-to-face visits by lawyers had taken place at Napier since it opened.
- 7.5 One legal NGO stated: *“(I)t's been very clear from the outset of the use of the barracks that little, if any, thought has been given to the importance and inclusion of legal representatives.”*

8. Recent changes in the processing of Napier residents' asylum claims

- 8.1 Since April 2021, some residents placed at Napier had received Notices of Intent under the new Inadmissibility Rules. Little information was provided about what this meant, causing residents considerable additional distress.
- 8.2 Other residents were now having their substantive asylum interview conducted on site, instead of in the community. There were serious concerns about this. People were being given very little notice of their interview, in some cases just minutes or hours, affecting their ability to prepare. People were also not always able to access legal advice before the interview, or aware of the need for it. As one resident said: *“I saw people who went for their interviews without speaking to a lawyer first. I thought it was normal, people were getting their interview letters the day before their interview, so they just did it. We didn't know any different.”*
- 8.3 There were also issues around privacy and confidentiality, with one interview reportedly taking place in the on-site kitchen.
- 8.4 Such issues could lead to unfair interview outcomes, yet residents were feeling pressure to proceed anyway, fearing that if they did not, they would be waiting for their interview indefinitely.
- 8.5 The Home Office had described the change as a “pilot project”. Witnesses questioned the appropriateness of trialling new approaches in this way, given the serious impacts they could have on a person's case.

9. Intimidation and mistreatment of residents and NGOs

- 9.1 Residents at Napier had been told by camp staff not to speak to the media, NGOs or politicians about what was happening at the site – and that if they did, this would be reported to the Home Office and their asylum claims affected. These threats had left many residents too frightened to give evidence to the APPG.
- 9.2 One former resident at Napier recalled how a police officer had told residents that if a protest they had planned went ahead, those involved would be arrested and jailed.
- 9.3 Such incidents were seen as efforts to stifle dissent. One resident said: *“They have destroyed the feeling I had about my right to speak out. They show you that it is not your place to do so... Being here has forced me down... You have no confidence in yourself to affect any change.”*
- 9.4 While some staff were supportive and sympathetic, other staff did not treat residents well. One resident explained how this affected him: *“Two of the guards have been unkind to me and I avoid them now. If they are giving out food, I wait until their shift changes and then I go for food after, as I cannot cope with the extra stress of people being unkind to me.”*
- 9.5 Residents were also harassed by people protesting outside the sites. This included being shouted at and filmed by far-right extremists. In one recent incident at Napier, several people had jumped over the perimeter fence and attacked residents there.
- 9.6 Far-right extremists were posting the films of residents online. This put residents at risk of identification, including in their home countries, potentially endangering them or their families.
- 9.7 All this left residents feeling unsafe yet trapped inside the site, and affected their mental health. One said: *“People come up to the fences at the barracks and film us inside. I have heard that they post the photos and racist comments on Facebook. This makes it all feel difficult. I now feel I am a prisoner and it is hard to cope... It makes you think about your life a lot. And how bad it is.”*
- 9.8 NGOs and volunteers at Napier had also received abuse and been filmed when entering and leaving the site, and when accompanying residents to the local town.
- 9.9 A number of men at Napier were arrested following a fire at the site in late January 2021. An NGO supporting residents at Napier explained that the men had all previously spoken out about conditions at the site. All charges against them were eventually dropped but, following their arrest, the men were transferred from Napier to Tinsley House IRC. Though technically not operating as an IRC whilst the men were placed there, the centre retained almost all the features of a detained setting. The possibility was raised that the transfer to this detention centre environment had been used as a way of intimidating or punishing the men after speaking out.

10. Feedback and engagement

- 10.1 Residents found it difficult to submit complaints or feedback, and there were long delays in response time.
- 10.2 Neither the Home Office nor on-site providers were providing enough information to residents or NGOs. Residents found the lack of information about progress on their asylum claims in particular very difficult, and this had a negative impact on their mental health.

10.3 The lack of information was problematic in terms of scrutiny and transparency, but NGOs supporting residents pointed out it also made their planning difficult.

c) List of oral evidence sessions and witnesses

1. Legal and health issues (Thursday 1 July 2021, 10.00 - 12.00)

Part One – Legal issues

Witnesses:

- Clare Jennings – Director and Head of Public Law and Community Care, Matthew Gold & Co. Solicitors
- Sonia Lenegan – Legal Director, Immigration Law Practitioners' Association
- Shu Shin Luh – Barrister, Doughty Street Chambers
- Sue Willman – Solicitor / Consultant, Deighton Pierce Glynn Law

Part Two – Health issues

Witnesses:

- Dr Yusuf Cifti – Policy and Advocacy Manager, Doctors of the World
- Dr Juliet Cohen – Head of Doctors, Freedom from Torture
- Dr Jill O'Leary – GP / Head of Medical Advisory Service, Helen Bamber Foundation
- Dr Piyal Sen – Member, Working Group on the Mental Health of Asylum Seekers and Refugees, Royal College of Psychiatrists

2. Current and former residents at Napier Barracks and Penally Camp (Monday 5 July 2021, 13.30 - 15.30)

Please note: in some cases, witnesses' names have been changed and/or their surname removed to protect their identity.

Part One – Former residents at Napier Barracks and Penally Camp

Witnesses:

- Erfan – former resident at Napier Barracks
- Kenan – former resident at Penally Camp
- Milad – former resident at Napier Barracks

Part Two – Current residents at Napier Barracks

Witnesses:

- "Victor" – former resident at Napier Barracks
- "Edward" – current resident at Napier Barracks
- "Alexander" – current resident at Napier Barracks
- "Oscar" – current resident at Napier Barracks
- "Andreas" – current resident at Napier Barracks
- "Richard" – former resident at Napier Barracks
- Naomi Blackwell – Detention Outreach Manager, Jesuit Refugee Service UK
- Maddie Harris – Director and Founder, Humans for Rights Network

3. Organisations supporting residents at Napier Barracks (Monday 12 July 2021, 13.00 - 14.30)

Witnesses:

- Dr Sophie Cartwright – Senior Policy Officer, Jesuit Refugee Service UK
- Maddie Harris – Director and Founder, Humans for Rights Network