



Unlawfully detained?

Challenging detention in the High Court



Over the past few months, we have seen a large increase in the number of detainees, being held at Brook House in particular, for periods of several months or even years. When you look at the profiles of these detainees, there are often a number of things that they have in common. Typically they will have spent time in prison, and will also come from one of a list of countries to which forced returns are extremely problematic. The reasons for this could be one of several: there is no viable safe route of return (eg Somalia), the Home Office are temporarily not enforcing removals (Zimbabwe), or there are severe difficulties in obtaining travel documents (Iran, Algeria, Eritrea, China, etc.) Detention is supposed to be for the stated aim of enforcing removals, so if it is clear that this is not going to take place within a reasonable timeframe, there could be scope to make a judicial review application to the High Court over the lawfulness of that detention. Along with a number of other visitors' groups, we are currently trying to

identify detainees who may be suitable candidates for such applications, and to then refer them to solicitors who may be able to represent them. Both immigration solicitors and public law solicitors can make unlawful detention applications, and we have a number who we have heard of who are doing this type of work.

Factors which are taken into account when trying to identify potential referrals include length of detention (usually a year or more), length of sentence, risk of reoffending, prospects of removal/deportation, and level of cooperation with the removal process, as well as more general immigration history factors, such as previous periods of absconding and previous attempts to disguise identity. There is no 'magic formula' of the above which will lead to a successful referral, as much depends on solicitors' capacity to take on new cases, and also any new developments in immigration policy or events in countries of origin. Anyone who has spent a significant period in detention could be eligible for an unlawful detention claim, although the process can take several months to conclude, so applying for bail remains the quicker route to release. If you would like any more information on this, we will be covering these issues in some of our upcoming all-visitors' training sessions, to be run by legal professionals. You are also always welcome to call the office to discuss possible referrals of the detainees you are visiting.

Nic Eadie

ADRIAN RADFORD

Sadly Adrian has resigned from the Management Committee. We owe him a huge debt of gratitude. He was one of the founders of the group, initially working as a volunteer visitor using his fluent Spanish and in 1996 becoming Treasurer – a role he has held ever since.

In 1998 as GDWG increased its volunteer force and the Group became too large to be managed by an unpaid Coordinator, Adrian's knowledge of recruitment processes and employment law helped enormously when we took on our first employee. Adrian dealt with the payroll as well as the book-keeping thus reducing costs for the Group.

The number of detainees passing through Tinsley House continued to increase and more staff were needed. In 2001 and again in 2004 the group won Lottery funding to pay salaries. The first question the Lottery team asked was about financial controls; they were more interested in whether we could manage their money than what we were going to do with it. They were impressed with the sound financial base



that Adrian had set up. His accurate annual accounts and budgets have continued to underpin successful fundraising.

His commitment, experience and extensive understanding of charity law has also helped in developing good practice and governance, culminating recently in the group becoming a company limited by guarantee. We were all delighted but not surprised when in 2008 Adrian won an Institute of Chartered Accountants award for his charitable work for GDWG.

Since the Group started it has helped over 7000 detainees and achieved awards e.g. in 2005 the Queen's Award for Voluntary Service. Without Adrian's vital input this would not have been possible. Yet he has done all this in addition to holding down a challenging full-time job and other voluntary commitments including taking disabled children to Lourdes. All this has been done in a calm, generous and modest manner – never emphasising his contribution.

Thank you Adrian – we will miss you and we will not forget you.

Felicity Dick

Cher Frère Blanc

Below is a poem that was sent to us by one of our volunteers, Kate Singleton, who is currently spending a year backpacking around Africa. We thought you might like it (translations are available in the office!)

Quand je suis né, j'étais noir

Quand j'ai grandi, j'étais noir

Quand je vais au soleil, je suis noir

Quand j'ai froid, je suis noir

Quand je suis malade, je suis noir

Quand je serai mort, je serai noir

Tandis que toi, homme blanc

Quand tu es né, tu étais rose

Quand tu as grandi, tu étais blanc

Quand tu vas au soleil, tu es rouge

Quand tu as froid, tu es bleu

Quand tu es malade, tu es jaune

Quand tu as peur, tu es vert

Quand tu mourras, tu seras gris

**Et après ça tu as le toupet de m'appeler
'L'homme de couleur'**

Running for Africa

Massive congratulations go to GDWG volunteer Liz Allcock, who completed the Berlin Marathon back in September. Liz was running in aid of a charity called GUA Africa, an organisation who run projects in Kenya and Southern Sudan, helping people overcome the effects of war and poverty. The charity was set up by former child soldier and current hip-hop artist, Emmanuel Jal, who now spends much of his time in the UK, and has performed at events such as the Live 8 concert in Cornwall and Nelson Mandela's 90th Birthday concert in Hyde Park.



Liz at the finish line

Among GUA Africa's projects are the building of an education centre in Sudan and child sponsorship schemes. Liz finished the course in a personal best time, and in doing so raised over three thousand pounds, and counting, for GUA. Thanks to the GDWG volunteers who sponsored her, and well done to Liz for such an incredible effort. Liz told us that it was the most worthwhile and fulfilling things she has ever done. We're currently in negotiations with Liz over running another marathon for GDWG, so if anyone would like to join her, just let the office know...

GDWG news

- GDWG's attempts to be allowed to run a weekly drop-in service at the Gatwick IRCs have been blocked by UKBA, on the grounds of security. We are still awaiting clarification on what this means exactly, and why they feel it would be a threat to the security of the centre to allow us to go in to speak to detainees inside the centre.
- HM Inspectorate of Prisons are due to go in and inspect Brook House in March next year. Their inspection has been brought forward due to concerns they have over the centre.
- There are currently increasing delays in having bail hearings listed, with the usual wait being a couple of weeks or more. It seems this is due simply to lack of capacity at the AIT. The opening of Brook House has led to a significant increase in the number of detainees in the UK, but there doesn't seem to have been any increase in AIT capacity.
- As some of you may be aware, Sue, who has worked on reception at Tinsley House for many years, left her job at the end of November to take early retirement. Over the years she assisted us in many ways, and we will certainly miss her. G4S tell us that they will be training up other employees to operate the switchboard in her place.
- John Vine, Chief Inspector of the UK Borders Agency, is looking to come and visit our office early in the New Year. He will then be going to have a look around Brook House. This comes on the back of a meeting that Nic had with Mr Vine, BID and LDSG a couple of months ago. Mr Vine has expressed an interest in detention, and in particular the decision-making and policies that lead to detention.
- Asylum Aid have just launched a Charter of Rights of Women Seeking Asylum, focusing on the disparity in the treatment of women who are seeking asylum compared with women settled in the UK. A film and a report are available on their website (www.asylumaid.org.uk), and they are also asking for individuals to write to the Immigration Minister Phil Woolas in support of the Charter.

Meet Bob Dare... by Anna Pincus

Meet Bob Dare, volunteer visitor for GDWG since 2005. Bob worked for British Petroleum for thirty five years travelling to over thirty countries during this time (he visited Nigeria sixteen times in two years!) Life after BP included working for a charity which trained villagers in India to sustain themselves through occupational skills. Bob describes a project empowering women; setting them up as mint farmers and extractors of mint oil for pharmaceuticals. He monitored such projects on the ground and remembers visits to India holding meetings with village elders in rural settings. In retirement, Bob now frequently spends time in Spain and enjoys walking.



There are many reasons why volunteers offer to work for us. Talking through Bob's reasons, I learnt that one shocking event in his past led him to feel that talking and being listened to are crucially important for detainees. Bob suffered several weeks as a hostage in a hijacking and subsequently experienced no opportunities to talk through events. He describes how the hijacking he endured feeds into his visiting, enabling him to identify with and feel empathy for detainees who are distressed at their captivity and who feel anguish and a sense of despair.

In the recent past, Bob has served as a trustee for two mental health organisations, and we are delighted that Bob has now offered to stand for election as a Trustee for GDWG. He explains that as a visitor he is impressed by our values and achievements and would like to contribute further for the benefit of detainees. Bob believes that anyone considering volunteering as a Trustee should not be put off if they have not had relevant experience since he feels approaching issues instinctively, with an open mind and without prejudice, are the key qualities for the role.

A Passionate Concern for Refugees - How I came to know and love them

Justice. I can't leave it alone! Since 1980 I have felt a powerful call to stand up for others who are being mistreated. My faith, of course, is deep in this, and it's my heart that gets caught up. I've worked with Amnesty International for the victims of Apartheid in South Africa, and been in correspondence with an East Timorese prisoner in Indonesia. "Human Rights, Huh!," said my youngest son, "I don't have any!" And my wife teased me that I was so concerned about what was happening on the other side of the world I wouldn't notice if it happened under my nose! Suddenly I realised she was telling me the truth - there are so many people in similar situations living here in the UK - as Refugees!

Well, why are they here? Because of the terrible things happening in their home countries. 12 years of visiting asylum-seekers in detention has opened my eyes to injustice not just across the world, but right here in my own country!



So who is on my heart today? Well, **Waihnin** from **Burma**, 20-year-old daughter of a peaceful democracy leader sentenced to 65 years in jail. She escaped to Britain and is at the start of a Degree at Westminster University. Meanwhile she works voluntarily with the Burma Campaign and Amnesty International. Her mother can visit her

father only once a month for 30 minutes, bringing him vital food and medicine not available in prison. Now the family business has been confiscated by the regime without compensation, they can hardly afford the visits. The regime threatened and halted the visits for 2 months because of his daughter's activities in the UK. But the message from her father was amazing: "I don't want my daughter to be a coward. I cannot speak: she is my voice! I am proud of her." How can I do anything else but help this amazingly courageous family?

Martin Dore, Horsham volunteer

Chaos in Calais

Refugees face terrible conditions and regular police raids



Around 1,000 people are stuck at the Calais border at any one time as a result of tight immigration controls preventing people entering the UK. These are mainly young men and children from the Middle East or the Horn of Africa. They sleep rough on the streets, live in squats or makeshift camps in the surrounding woods known as 'the jungle'. They face constant harassment by the police, who raid and destroy their camps, arrest people or use tear gas to disperse them from the area. Those arrested are detained for short periods and then released, only for this process to be repeated again and again.

Early in 2009 French immigration minister, Eric Besson, pledged to evict all migrants from Calais by the end of the year

and in September, with backing from the UK, began bulldozing many of the larger jungles and squats. During the destruction one of the Pashtu jungle, 278 people were arrested of which 132 were children. In response to evictions, several people went on hunger strike: 'The world is ignoring us so we are making our suffering public by going on hunger strike in full view', said a man from Iran.

While the destruction caused in September has left some areas deserted, many new camps have been rebuilt on top of old ones, or relocated nearby. These shelters are still being raided and destroyed on a regular basis, often at night or in the early morning, with police slashing tents and taking away personal belongings including blankets. Camps set up along the coast from Calais near the Dunkerque port are also being dismantled; in November an Iraqi and Afghan camp was destroyed with dozens of arrests.

There are a handful of organisations, groups and individuals trying to support people in Calais but they are limited by what they can do. During the summer the UN refugee agency opened an office in Calais in order to establish a full time presence there, to provide information about asylum procedures in France and the UK. The British and French governments are choosing to make it as difficult as possible for people to live and survive, using tight immigration controls coupled with oppressive policing to force people out. Despite the conditions and the barriers stacked against them, it seems these people are resilient and will continue to seek safety and a better life.

Lauren Pepperell, Brighton volunteer

Staff day out! *By Anna Pincus*

Our thanks to Heather of Yarl's Wood Befrienders for taking time out from her work to spend the day with Hannah, Louise and I, taking us to visit detainees at Yarl's Wood Immigration Detention Centre. Yarl's Wood,

north of Bedford, holds up to 405 detainees (women and families) in a slightly bizarre industrial park setting! The visits room seemed light and large and a pleasant

environment for talking; the reception area was graced with origami style bowls which the detainees had crafted. However, meeting the women and seeing past the pleasant veneer brought home to us issues of sexual abuse,

appalling genital mutilation and trafficking, and of how bewildering, confusing and frightening detention is for children. Heather supports over sixty volunteers with no additional staff and we were impressed by her



resilience in showing a high level of commitment to individual detainees in the midst of a heavy workload. She was generous to us with her time, sharing information and inviting

us into her home (which is also her office). We welcomed talking through experiences with Heather, and are delighted to know that our referrals to Yarl's Wood Befrienders are in such capable hands.

Pictures from Darfur

By Hannah Jackson

I attended an event that marked the opening of a unique exhibition of children's drawings depicting their experiences during the six-year conflict in Darfur. The pictures were collected by Anna Schmidt, a researcher for Article 1, from Darfuri children living in refugee camps in Chad. Having listened to women in these camps and hearing horrific yet parallel experiences, Anna decided to speak to the children. She asked them to draw two pictures; one of their clearest memory and the other their hopes for the future. Anna collected a total of 500 drawings during her time in Chad. These drawings show how a whole generation of Darfuri children have been seriously affected and have witnessed unspeakable events when their villages were attacked. The drawings have been accepted as contextual evidence by the International Criminal Court, and have even been used in the case against President Al Bashir.



This boy was 8 when his village in Darfur was attacked in 2004. His drawing describes this attack, where Janjaweed forces (drawn on horse backs) and Sudanese forces (in vehicles and tanks) worked together to burn his village, kill many civilians (shown lying on the ground) and lead to the displacement of the survivors).

The drawings show how government soldiers came to the villages on horseback, and with helicopters and tanks, uniforms and flags. The drawings are crucial to Darfur's history and they shed a new light on the situation. Darfur is often reported in the media but as Martin Plaut, Africa editor at the BBC World Service News, said it can be difficult to sustain public interest in it; it is hard to report something that, however tragic and inhumane, has been going on for six years. We all know what happens in Darfur; the men and children are killed, women are raped and villages destroyed. How do you keep retelling this and keep the world interested? These drawings bring the situation to life again, which will hopefully mean that Darfur's past, present and future isn't neglected by the global community.

News from the Management Committee

The recent resignations of our Treasurer, Adrian Radford and Lizi Storey from the Management Committee will inevitably change us as a team but change is also opportunity. Adrian has been a huge supporter of GDWG. Lizi had a big impact on the way in which we tackled reports of the abuse of detainees in transit. However, we now need new people with fresh ideas and viewpoints unswayed by our old ways. I asked Bob Dare, a very committed visitor whom I knew via the Reigate group, to agree to join us. He agreed to be co-opted and is already making useful and constructive comments in committee. The work of the Treasurer, as done by Adrian, meant that he dealt with all aspects of finance from the issuing of cheques to the paying of staff. The Management Committee decided that this is a large expectation to place on a Treasurer and have agreed that much of the book keeping should be done in the office and that an outside company should do the payroll. I am grateful to Mike Locke who has volunteered to help in this transition.

We do need new trustees – might you have time to dedicate to the Management of GDWG? We do need particular skills e.g. accounting but there are many other tasks that just need time and commitment.

The regime in Brook House has proved to be very different from Tinsley House and the greater number of violent incidences and the prevalence of drugs have concerned us very much. As Director, Nic Eadie has written on more than one occasion to UK Border Agency, G4S, the IMB, HM Inspector of Prisons, our MP and many members of the House of Lords. We wholeheartedly support his attempts to make everyone aware of the many serious problems in Brook House.

In the light of the changing nature of detention, we have decided to meet in January to discuss our direction and review our objectives away from the confines of a regular meeting.

I worry that the intensity of the work with detainees might induce despondency in the staff but Nic assures me that morale and camaraderie are good and that Hannah Jackson is a valuable addition to the team.

John Barrett

Chair of Trustees

Dates for your diary

Next area group meetings: Brighton - 15th December, Crawley - 6th January, Horsham - 9th December, Oxted - 9th December, Reigate - 13th January.

Tinsley House Carol Service - 17th December
Brook House Carol Service - 22nd December
All visitors' training - 8th December and 22nd January (tbc.)