**Note on #Time4aTimeLimit - for APPG on Refugees meeting 4 July 2018**

The Detention Forum has been co-ordinating inter-agency work and supporting a cross-party call for a time limit on immigration detention since 2012. We have identified priorities for and possible challenges that might arise during the passage of the Immigration Bill. Today’s APPG meeting clashes with our regular quarterly meetings and I am unable to attend. I submit this short document to assist your discussion.

**1) Need to expand a range of MPs and peers across parties and interests who can support this call.**

The scandal of indefinite immigration detention without a time limit concerns not just politicians interested in refugee issues, but also those who are active in supporting migrants in general, protecting human rights and civil liberties and defending the rule of law. **Please consider speaking to your colleagues now to widen the cross-party support base.** **Please let us know whom you think we should be talking to.**

**2) Importance of advocating for a specific time limit of 28 days for everyone.**

*Distribution of length of time spent in detention among 2,469 individuals who were detained in one of the IRCs on 31 March 2018*

It is vital that any time limit that will be called for is sufficiently short, enabling significant reduction of the UK’s use of immigration detention. The Detention Forum recommends a 28 day time limit for all for the following reasons.

Two parliamentary inquiries (the Joint Committee on Human Rights in 2006/07[[1]](#footnote-1) and jointly by the APPG on Refugees and APPG on Migration in 2014/15[[2]](#footnote-2))which examined the UK’s practice of indefinite immigration detention have recommended a 28 day time limit. They considered this to be reasonably achievable by the Home Office. There is now a real political momentum behind this call.

Detention generally has a damaging mental health impact, but after 30 days of incarceration there is a marked rise in the severity of harm caused. Setting a time limit under 30 days can protect people from this particularly significant level of harm[[3]](#footnote-3). People with previous, spent, convictions are particularly vulnerable to long-term detention.

A 28 day time limit can reduce the UK’s use of detention both in scale and length. On 31 March 2018, there were a total of 2,469 people detained in Immigration Removal Centres (excludes individuals who were detained in prisons on that day). If there were a 28 day time limit, 55% of those who were detained on that day (1,348 people) would not have been there, indicating the significant difference a 28 day time limit will make. Longer time limits will fall far short of a radical change.

There is already a much shorter detention time limit of 72 hours for specific categories of individuals who have very complex cases or have vulnerabilities, such as families with children (those in the Family Returns Procedure) and pregnant women. Therefore the Government has already demonstrated that if there is a will to do so, they can even introduce a time limit that is much shorter than 28 days. **If you have any questions about any of the above, please do get in touch with us.**

**3) Dealing with practical questions in advance.**

There are practical questions that are likely to be asked beyond a call for a 28 day time limit by other parliamentarians. We need to investigate and resolve them before the Immigration Bill process commences. We might receive questions such as:

* Should it be possible for the Home Office to extend the 28 day time limit for some truly exceptional cases? If so, what oversight process will be in place?
* Could the time limit be rendered meaningless if the Home Office re-detains individuals repeatedly for a protracted period of time? What safeguarding mechanisms should be in place to prevent such incidents?
* Is there going to be a connection between a time limit framework and community-based alternatives to detention schemes for those who are released after the time limit has been reached?
* Will there be any special procedures for individuals with previous convictions whose detention reach the time limit for public protection reasons?

**We would like you to send us any other questions you or your colleagues might have so that we can prepare responses.**

**4) Future opportunities to push the agenda forward.**

The second Shaw Review is likely to be published in mid July. Our short summary of the first review is [here](http://www.detentionforum.org.uk/revisiting-the-first-shaw-review/). One of the key weaknesses of the previous Shaw Review was the absence of formal, long-term accountability mechanisms after the report publication. As a result, there was no consistent scrutiny over whether or what reforms the Home Office have implemented to reduce long-term detention and address other problems and measure the impact achieved. An additional risk now is that the second Review makes so many and wide-ranging recommendations that any follow-up work will be conducted in a silo-ed manner, with the question of indefinite detention being buried under other details and remaining unaddressed yet again.

Current active interest in immigration detention in parliament needs to be sustained. There is an ongoing inquiry into immigration detention by the Home Affairs Committee. Following its investigation into the detention of the Windrush generation, the Joint Committee on Human Rights has announced that it will start a fresh inquiry into immigration detention in autumn, including looking at the lack of time limit.

These are opportunities to join up these interests and concerns and channel the energy into achieving a 28 day time limit for all. **The Detention Forum and our members are happy to provide further briefing and guidance individually and at any meetings.**

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1. The Joint Committee on Human Rights, *The Treatment of Asylum Seekers: Tenth Report of Session 2006-07, Volume 1 – Report and formal minutes,* para 275 https://publications.parliament.uk/pa/jt200607/jtselect/jtrights/81/81i.pdf [↑](#footnote-ref-1)
2. The All Party Parliamentary Group on Refugees and the All Party Parliamentary Group on Migration, *The Report of the Inquiry into the Use of Immigration Detention in the United Kingdom (2015)* [↑](#footnote-ref-2)
3. Dr Katy Robjant, 1st Oral Evidence Session of Joint Inquiry by the All Party Parliamentary Group on Refugees and the All Party Parliamentary Group on Migration, 17 July 2014 [↑](#footnote-ref-3)