



We are still here

The continued
detention of women
seeking asylum in
Yarl's Wood

By Gemma Lousley
and Sarah Cope

WOMEN FOR REFUGEE WOMEN

About Women for Refugee Women

Women for Refugee Women challenges the injustices experienced by women who seek asylum in the UK. Our vision is a society in which women's human rights are respected and in which they are safe from persecution. Our mission is to ensure that women seeking asylum in the UK are treated with justice and dignity.

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About this report

Women for Refugee Women has demonstrated the harm that immigration detention does to women who are seeking asylum. In our previous reports, *Detained* and *I Am Human*, we were able to show that the majority of asylum-seeking women who are detained are survivors of sexual or gender-based violence, and that locking them up in detention re-traumatises them. We also showed that their detention serves no purpose, as the vast majority of asylum-seeking women are subsequently released back into the community to continue with their claims.

We have been running the Set Her Free campaign against the detention of women seeking asylum since 2014 and have raised these issues with the Home Office and ministers on many occasions. In 2015, in response to the concerns of organisations campaigning against the current system of detention, including Women for Refugee Women, the government commissioned a review into the welfare of vulnerable people in immigration detention. The Shaw review, published in January 2016, recommended the government should reduce its use of immigration detention and implement reform “boldly and without delay”. It said that pregnant women should never be locked up in detention, and that survivors of sexual and gender-based violence should not be detained.

In response, the government introduced a new “Adults at Risk” policy, which says that people who are vulnerable or particularly “at risk” of harm from detention should not normally be detained. Under this policy, which came into force in September 2016, survivors of sexual or gender-based violence are recognised as “at risk”, and so unsuitable for detention. The government also introduced a 72-hour time limit on the detention of pregnant women, with the aim of ensuring that they are not routinely detained.

“There are many vulnerable women in Yarl’s Wood – we are still here.”

Women for Refugee Women welcomed these changes as important steps forward. However, we have been concerned that since the Adults at Risk policy came in, the Home Office hasn’t explained how it has been monitoring its impact, to ensure it is achieving its aims. So, we decided to conduct our own research to help us assess the effectiveness of the Adults at Risk approach.

Between May-September 2017, we spoke to 26 women who have claimed asylum and been detained since the Adults at Risk policy came in.



All of these women were detained in Yarl's Wood detention centre in Bedfordshire, where the majority of women are held. Our research shows that the new approach is not working to safeguard and protect women who are vulnerable, and prevent them from being detained. As one woman we spoke to put it: "There are many vulnerable women in Yarl's Wood - we are still here."

We have found that the under the Adults at Risk approach:

■ **Survivors of sexual and gender-based violence are routinely being detained**

22 of the 26 women (85%) we spoke to, who had claimed asylum and been detained since the Adults at Risk approach came in, said they were survivors of sexual or other gender-based violence, including domestic violence, forced marriage, female genital mutilation and forced prostitution/trafficking.

■ **Women who are already vulnerable as a result of sexual and gender-based violence are becoming even more vulnerable in detention**

All of the women we spoke to said they were depressed in detention, and 23 of the 26 women (88%) said their mental health had deteriorated while they were detained. Twelve - almost half - had thought about killing themselves in detention, and two women said they had attempted suicide, both on more than one occasion.

■ **Survivors of sexual and gender-based violence are being detained for significant periods of time**

The lengths of detention for the women we spoke to ranged from three days to just under eight months. The vast majority, 23 out of 26, were in detention for a month or more. Nineteen women were in detention for three months or more.

■ **Pregnant women are still being detained unnecessarily**

Figures we have obtained indicate that, under the 72-hour time limit, the number of pregnant women detained has fallen noticeably. But the majority of these women are still being released back into the community to continue with their cases, as was happening before the time limit was introduced: fewer than 20% of pregnant women who are detained are removed from the UK.

The interviews we conducted with women detained since the Adults at Risk policy came in have highlighted some key problems with this approach, and how it is failing to safeguard vulnerable women and prevent them from being detained:

■ **There is no screening process that actively identifies if someone is vulnerable or "at risk" before they are detained, so survivors of sexual**

and gender-based violence are going into detention before any attempt has been made to find out about their previous experiences

■ **Survivors of sexual and gender-based violence aren't believed when they disclose their previous experiences, and are finding it difficult to obtain supporting evidence the Home Office will accept**

■ **Even when they obtain evidence the Home Office accepts, survivors of sexual and gender-based violence are being kept in detention**

■ **Even when their mental and/or physical health is clearly deteriorating, and they are becoming significantly more vulnerable, survivors of sexual and gender-based violence are being kept in detention**

There are clear steps the Home Office should take immediately to ensure the detention reform promised following the Shaw review is implemented in practice. These are:

■ **Implement a proactive screening process to ensure that survivors of sexual and gender-based violence, and others who are vulnerable, are identified before detention**

■ **Implement the stated presumption against the detention of survivors of sexual and gender-based violence, and other vulnerable people**

■ **Introduce an absolute exclusion on the detention of pregnant women**

■ **Introduce a 28-day time limit on detention**

■ **Stop detaining people while their asylum claims are in progress**

■ **Implement a monitoring framework and an accountability mechanism for detention reform**

Alongside this, the government also needs to start moving away from a system in which detention is central, towards a different type of system altogether. **Community-based alternatives to detention, focused on support and engagement, are more humane, more effective and less expensive than detention.**

The UK has already taken some steps towards this approach, through the Family Returns Process. Implemented in 2011, following the pledge to end the detention of children, **the Family Returns Process has seen the detention of children in the UK reduce by 96%.**

The success of this process should be the basis for more widespread reform, and should give the government confidence in moving away from detention altogether.

Introduction

The Set Her Free campaign to end the detention of women seeking asylum

Women for Refugee Women launched the Set Her Free campaign against the detention of women seeking asylum in January 2014. Our research reports, *Detained* (2014) and *I Am Human* (2015)¹ have highlighted how the majority of asylum-seeking women detained are survivors of sexual and other gender-based violence, including domestic violence, forced marriage, female genital mutilation and forced prostitution/trafficking.² We have documented the harm of locking up these women, and how detention re-traumatises them. We have also documented poor conditions in Yarl's Wood, where the majority of women are held, and the routine intrusions on women's privacy and dignity there.

We have also highlighted that detaining these women serves no purpose. In 2016, just 15% of asylum-seeking women leaving detention were removed from the UK; 85% were released back into the community, to continue with their claims.³ Detention is also very expensive. In 2016-17 the cost of running detention centres in the UK totalled £118 million.⁴

We are not stating that all women who have fled gender-based violence should automatically be given asylum in the UK. There must be a process in which women's claims can be fairly assessed. However, while this process is happening we believe that women should be treated with dignity, and in a manner that allows them to begin to rebuild their lives. In March 2017, we published *The Way Ahead*, which sets out how the government can move away from detention altogether and resolve all asylum cases in the community, through the use of support and engagement.⁵

The key recommendation of the Set Her Free campaign is an end to the detention of women seeking asylum. Our interim recommendations include: an end to the detention of survivors of sexual and other gender-based violence; an end to the detention of pregnant women; an end to indefinite detention; and, while women are still being detained, improvement in the conditions of their detention.

Detention reform and the Adults at Risk approach

Since the Set Her Free campaign started, and in response to other organisations campaigning for detention reform, there have been some welcome steps towards change. In March 2015, a cross-party Parliamentary inquiry into the use of immigration detention in the UK published a report urging reform, and included our recommendations that survivors of rape and sexual violence, and pregnant women, should not be detained. It also recommended that a 28-day time limit on detention should be introduced, and set out the need for a "wholesale change" in the Home Office's approach, away from the use of detention and towards resolving all cases in the community.⁶

Early 2015 also saw Theresa May, then Home Secretary, commission a review into the welfare of vulnerable people in detention. This review, conducted by former Prisons Ombudsperson Stephen Shaw, was published in January 2016. It also reflected our concerns, recommending an absolute exclusion on the detention of pregnant women, and a presumption against the detention of survivors of sexual and gender-based violence. It set out, too, that "the Home Office should demonstrate much greater energy in its consideration of alternatives to detention". Overall, the Shaw review said the government should reduce its use of immigration detention, and implement reform "boldly and without delay".⁷

In response, the government introduced a new "Adults at Risk" policy, to "strengthen the approach to those whose care and support needs make it particularly likely that they would suffer disproportionate detriment from being detained".⁸ This new policy, which came into force on 12th September 2016, states that people who are vulnerable, or "at risk", should not normally be detained. Under this approach, survivors of sexual or gender-based violence are recognised as "at risk", and so unsuitable for detention.⁹ While the government stopped short of an outright ban on the detention of pregnant women, they did introduce a 72-hour time limit to end their routine detention.¹⁰ This was implemented on 12th July 2016.

The government said that, through the Adults at Risk approach, they expected the number of vulnerable people detained would fall, and the number of people detained overall would reduce. They also said that for those people who are still detained, the length of detention before removal from the UK would reduce.¹¹

The need for our research and how we went about it

We welcomed these changes as positive and important steps forward. However, we have been concerned that since the Adults at Risk policy began, the Home Office hasn't explained how it has been monitoring its impact, to ensure it is achieving its aims. We therefore decided to conduct our own research to help us assess the effectiveness of the new approach.

Between May-September 2017 we interviewed 26 women who have claimed asylum and been detained since the Adults at Risk policy came in. Sixteen of the women we spoke to were in Yarl's Wood at the time of their interview; 10 were in the community. The women we interviewed were from a range of countries: Cameroon, DR Congo, Ghana, Iran, Jamaica, Kenya, Namibia, Nigeria and Uganda.

Women for Refugee Women regularly visits women in Yarl's Wood, and through this, we were able to interview women who had claimed asylum and were in detention. We booked social visits to see these women, and conducted interviews with them face-to-face. We also worked with two grassroots groups supporting women seeking asylum, Women Asylum Seekers Together (WAST) in Manchester and Tapepuka in Wakefield, to reach women who had been detained since the Adults at Risk policy came in, but who had subsequently been released.

Before we started the research, we developed and piloted an interview questionnaire with asylum-seeking and refugee women in our network. The questionnaire asked about women's experiences in their countries of origin, and why they had to seek asylum; it then asked questions to find out why women had been detained, and how their detention had been managed. When we

conducted the interviews, we explained to the women who participated that they didn't have to answer any questions that they didn't want to, and that they could stop the interview at any time. We also explained that they would be fully anonymised in the final report. The names of all the women in this report have been changed to help ensure this.

We conducted most of the interviews in English, although on a couple of occasions we used an interpreter. We gave £20 to each woman who participated in the research, to thank her for being so generous with her time.¹² We also continued to work with women after the interview, to put them in touch with solicitors and other specialist support.

We recognise that, as our research sample is not representative, it is not possible to generalise definitively from our findings. But, through the in-depth interviews we conducted, we have been able to build a picture of how the Adults at Risk policy is operating in practice, and identify consistent patterns and problems in the treatment of vulnerable women under this new approach.

To assess the impact of the 72-hour time limit in ending the routine detention of pregnant women, we also submitted Freedom of Information requests, and worked with Parliamentarians to ask parliamentary questions, to access the management data the Home Office collects on the detention of pregnant women.



Overview of research findings

Between May-September 2017 we spoke to 26 women who have claimed asylum, and who have been detained in Yarl's Wood since the Adults at Risk policy came in. Sixteen women were in Yarl's Wood at the time of their interview; 10 were in the community.

We found that under the Adults at Risk approach:

■ Survivors of sexual and gender-based violence are routinely being detained

- 22 of the 26 women (85%) we interviewed, who had been detained since the Adults at Risk policy came in, said they were survivors of sexual or other gender-based violence
- 16 (62%) said they were survivors of rape or other sexual violence
- 11 (42%) said they were survivors of forced prostitution/internal trafficking in their countries of origin, or that they had been trafficked to the UK for forced prostitution or domestic servitude
- 10 (38%) said they were survivors of domestic violence
- 9 (35%) said they were survivors of forced marriage
- 4 (15%) said they were survivors of female genital mutilation (FGM)

In our 2014 report *Detained*, 33 of the 43 women (77%) who had been detained, and who spoke to us about their experiences of persecution, told us that they had been raped.

In our 2015 report *I Am Human*, 24 out of the 34 women (71%) who disclosed their persecution said they had experienced rape or sexual violence, and 28 women (82%) said they had experienced gender-based violence under the headings we asked about: rape, sexual violence, forced marriage, forced prostitution, or FGM.

The figures we have obtained through this research, then, suggest that under the Adults at Risk approach very little has changed.

■ Women who are already vulnerable as a result of sexual and gender-based violence are becoming even more vulnerable in detention

- All the women we spoke to said they were depressed in detention
- 23 (88%) said their mental health had deteriorated in detention; the other three women, who had said they were depressed, said their mental health had stayed the same
- 18 (69%) said their physical health had deteriorated in detention

- 12 (46%) had thought about killing themselves while detained, and two women said they had attempted suicide, both on more than one occasion

■ **Survivors of sexual and gender-based violence are being detained for significant periods of time**

- Ten of the women we spoke to had been detained since the Adults at Risk policy came in, but had subsequently been released from detention, so we know the full lengths of their detention. We also tried to track what happened to the 16 women who were in detention when we spoke to them, to see how long they continued to be detained for after their interview.
- Of the women we interviewed in detention, seven have now been released to continue with their claims. Three are still in Yarl’s Wood. Two women were removed from the UK, and we were unable to contact four women.
- The table below shows the lengths of detention for all the women we interviewed. For the three women who are still in Yarl’s Wood, we have used the length of time they have been detained for at the time of writing this report. For the four women we were unable to contact, we have used the length of time they had been detained at the point of speaking to them.
- The lengths of detention for the women we spoke to ranged from three days to just under eight months. As the table shows, the vast majority, 23 out of 26, were in detention for a month or more. Nineteen women were in detention for three months or more.

Length of detention	No. of women
Less than a month	3
1 month to less than 2 months	2
2 months to less than 3 months	2
3 months to less than 4 months	3
4 months to less than 5 months	7
5 months to less than 6 months	2
6 months to less than 7 months	5
7 months to less than 8 months	2
Total number of women	26

- Home Office statistics show that, in 2016, around 60% of asylum-seeking women leaving detention were detained for 28 days or under. We recognise, therefore, that women detained for longer periods are over-represented in our research sample. However, official figures also

show that significant numbers of asylum-seeking women are detained for 29 days or more: in 2016, 20% of asylum-seeking women leaving detention had been detained for between 29 days to under two months, and 20% had been detained for two months or more.¹³

■ **Pregnant women are still being detained unnecessarily**

- In 2014, before the 72-hour time limit came in, 99 pregnant women were detained in Yarl’s Wood. Just nine of these women were removed from the UK; the rest – that is, 90% – were released back into the community, to continue with their claim.
- The Home Office has refused to actively publish the data it is collecting on the detention of pregnant women, and we have faced real difficulties accessing this data through Freedom of Information requests. However, in response to a parliamentary written question, the Home Office has stated that in the first six months of the time limit, 27 pregnant women were detained. As such, the number of pregnant women detained appears to have fallen noticeably since the change in policy.
- However, just five (19%) of these women were removed from the UK; 22 (81%) were released to continue with their claims. Under the time limit, therefore, the vast majority of pregnant women are still being detained unnecessarily.

The interviews we conducted with women detained since the Adults at Risk policy came in have revealed some key problems with the new approach, and how it is failing to safeguard vulnerable women and prevent them from being detained:

- **There is no screening process that actively identifies if someone is vulnerable or “at risk” before they are detained, so survivors of sexual and gender-based violence are going into detention before any attempt has been made to find out about their previous experiences**
- **Survivors of sexual and gender-based violence aren’t believed when they disclose their previous experiences, and are finding it difficult to obtain supporting evidence the Home Office will accept**
- **Even when they obtain evidence the Home Office accepts, survivors of sexual and gender-based violence are being kept in detention**
- **Even when their mental and/or physical health is clearly deteriorating, and they are becoming significantly more vulnerable, survivors of sexual and gender-based violence are being kept in detention**

The Adults at Risk approach: Key problems

1. Survivors of sexual and gender-based violence are being detained before any attempt has been made to find out about their previous experiences, and assess if they are vulnerable

As the Adults at Risk approach currently operates, there is no screening process or mechanism that actively identifies if someone is vulnerable or “at risk”, and so unsuitable for detention, before they are detained. Because of this, survivors of sexual and gender-based violence, who the policy says should not normally be detained, are going into detention before the Home Office has made any attempt to find out about their previous experiences and assess if they are vulnerable.

The Shaw review recommended that “a single gatekeeper for detention should be introduced ... to ensure that vulnerable individuals are not detained”. While a “detention gatekeeper” has been introduced as part of the Adults at Risk approach, Home Office staff responsible for this gatekeeping rely only on information that is already on the system to assess vulnerability.¹⁴ If someone has made an asylum claim in the community, then, and disclosed their previous experiences during their interview, their vulnerability may have already been flagged to the Home Office in this way. However, many of the women we interviewed had claimed asylum in detention – and, therefore, it was only once they were already in Yarl’s Wood, and had their asylum interviews, that they were asked to disclose their previous experiences.

Although everyone who is detained is supposed to have a full medical screening within two hours of their arrival into detention¹⁵ – and, therefore, women may also be identified as vulnerable and “at risk” in this way – this process also only happens after women have already been detained. Moreover, women we interviewed who told us about this process said they were only asked general questions about their health and medications they were taking, so survivors of sexual and gender-based violence are unlikely to be identified through this.

Three of the women we interviewed who had claimed asylum in detention had been detained as soon as they arrived in the UK, and made their claims immediately after this. Others we spoke to had been in the UK for months, and sometimes years, before they were detained and then claimed asylum. These women gave clear explanations as to why they had not claimed asylum until this point. Some said that they simply didn’t know about the asylum system. Others told us that they didn’t realise that what they had experienced in their country of origin might constitute a claim for protection.

One woman we spoke to, for instance, who had experienced domestic violence and forced prostitution/internal trafficking, managed to leave her country of origin and get to the UK on a work visa. She didn’t realise she could claim asylum – as she explained, “I thought asylum was only for people from countries where there is war.” After her visa expired, she was advised by a solicitor to make an application for leave to remain on the basis of the private and family life she had established here. She only found out she could claim asylum when she was arrested and taken to Yarl’s Wood, and she spoke to some of the other women detained there.

As the well-respected immigration barrister Frances Webber has explained, “the wording of the Refugee Convention does not include ‘sex’ or ‘gender’, and it has only been in the last decade that widespread forms of persecution of women have been recognised.”¹⁶ It is hardly surprising, then, that many women who have experienced persecution by non-state actors, in the domestic or private sphere, do not realise that they are able to make a claim for asylum.

Other women who had not claimed asylum until after they were detained explained that not only did they not realise they could claim asylum, but they also hadn't felt able to disclose what had happened to them. The women we spoke to often said they felt ashamed about what had happened to them, which resonates with research that has been carried out with survivors of sexual and gender-based violence more broadly.¹⁷ This points to a particular problem women face with the Adults at Risk approach as it currently operates. Survivors of rape and other forms of gendered violence, who are disproportionately women,¹⁸ are highly unlikely to volunteer this information themselves, without being specifically asked about it. Therefore, the Home Office's failure to proactively screen for vulnerability is likely to be having a particularly negative impact on them.

The case of one woman we spoke to illustrates particularly clearly the lack of protections for survivors of sexual and gender-based violence under the Adults at Risk approach. She had experienced forced prostitution/internal trafficking in her country of origin, but had not felt able to disclose this to her previous solicitors, all of whom were men - and they had never actively asked her about her previous experiences. When she was detained for the first time, towards the beginning of 2017, no one from the Home Office or in Yarl's Wood asked her anything about her previous experiences. She was detained for three months, until she managed to get herself released on bail.

But then she was detained again just a few weeks later. Again, no one from the Home Office or Yarl's Wood tried to find out if she was vulnerable in any way. Fortunately, however, a support organisation she had recently made contact with asked her some more questions about what had happened in her country of origin: when it became clear she had been trafficked, they got her referred into the National Referral Mechanism (NRM), the framework for identifying survivors of trafficking and modern slavery, and helped her find a new solicitor. A week after she was detained again, she got a positive reasonable grounds decision - meaning that there were reasonable grounds for believing she was a survivor of trafficking - and was released. But she should never have been in detention in the first place. Her full story is on the pages that follow.





Gabby's story

My mother gave me away just a few months after I was born, and I never really knew my father. My grandmother took me in, but after she died I had nowhere to live. I was barely a teenager.

Eventually I went to stay with a woman who had known my family. She was disabled, and I acted as a carer for her, in return for a place to stay.

The woman I was staying with had a son, who lived with her as well – he was much older than me. Soon after I moved into the house, he started sexually abusing me. Then he started to bring his friends round to the house, also to abuse me. He took money from them to do this, and he kept the money.

This went on for years. I never said anything to the woman I was staying with about what her son was doing to me. I thought that if I said something, she would blame me and tell me to leave, and then I would have nowhere to stay. And he told me that no one would believe me. I was terrified of him.

Eventually, when I was older, I managed to leave and get away from him. I went to a city where I knew some people. But I had no money, and nowhere to stay, and I ended up in prostitution. A group of men controlled us – they allocated clients and took the money from them, and gave just a small amount to us. Sometimes you would get no money at all. We were always watched by them; they said it was to protect us, but it was really to see how many men we were sleeping with. I was often beaten up by the men who had sex with me.

After years of this, a woman I knew, who had become a good friend, helped me to get a visa to come to the UK. Once I got here I felt so relieved, I finally felt safe. I just wanted to forget about what had happened to me. But my visa eventually ran out. I spoke to solicitors about sorting out my immigration status but all the solicitors I had were men, so I didn't ever feel able to tell them what had happened to me. And they never asked me anything about my experiences in the country I had come from – how could I just tell them that I had been raped? I felt so ashamed. The solicitors I saw took thousands of pounds to work on my case, but didn't really help me.

Then, in early 2017, after I had been reporting to the Home Office for a couple of years, I was arrested and detained. When it happened I was in complete shock; I'd never heard of Yarl's Wood before, and I had no idea they could do this to me. When I arrived there, I had been in the van for hours, and I was exhausted. They asked me a few questions about my health, but that was it. For the rest of my time there, no one asked me any questions about my previous experiences. I called my previous solicitor, and he said he would help, but he didn't do anything. Eventually, after three months in detention, I did my own bail application and the judge released me.

I started reporting to the Home Office as I had before, but just a few weeks later, I was detained again. I was kept in a room in the reporting office all day and then eventually, in the evening, I was put in a van and taken to Yarl's Wood. I finally arrived in the early hours of the morning; they asked me general questions about my health again, but nothing more.

But a couple of weeks before I was detained, I had met someone from a women's support organisation, and I had felt able to tell her that I had been abused. When I called her from Yarl's Wood to say I was in detention again, she said she needed to ask me some

more about what had happened to me in my country, as she was worried that my case hadn't been dealt with properly. It was so difficult talking about it, but she asked the questions in a kind way, and she listened to me. When she had asked all of her questions, she said she thought I had been trafficked.

I feel angry that the Home Office has said they aren't going to detain women who have been raped and trafficked, but then don't even try to find out about what women have been through before they lock them up.

She got me referred into the National Referral Mechanism, and a new solicitor, who specialises in trafficking issues, agreed to take on my case. After that, I had a short interview with a man from the Home Office, who asked me why I hadn't said anything before about what had happened to me. I told him, "Who says that, who just says they have been raped?" I couldn't talk about it before, I felt so ashamed. And nobody had asked me about it; how could I just tell them? Soon after that, I got a positive decision, and I was released.

I feel angry that the Home Office has said they aren't going to detain women who have been raped and trafficked, but then they don't even try to find out about what women have been through before they lock them up. I still think about detention, and when I report to the Home Office I feel sick; I'm so scared that they will take me back there again. Now that I've talked about what happened to me when I was younger I'm having to relive that, which is so hard, but I also can't forget about Yarl's Wood: it's there with me, every day.

2. Survivors of sexual and gender-based violence aren't believed when they disclose their experiences, and it is difficult for them to obtain evidence the Home Office will accept

Under the Adults at Risk approach, the Home Office is not actively trying to identify if women are vulnerable before they detain them. Moreover, when women do disclose experiences of sexual or gender-based violence, they are not being believed.

The Adults at Risk guidance for Home Office caseworkers states that, without "independent evidence that a person is at risk as claimed", disclosures of being vulnerable or "at risk" – including because of experiences of sexual or gender-based violence – "should be afforded limited weight".¹⁹ This points, we would suggest, to a presumption that people are likely to lie about their previous experiences. The well-documented Home Office "culture of disbelief",²⁰ therefore, appears to run through the fabric of the Adults at Risk policy.

Alongside this dismissal of their disclosures as constituting evidence in themselves, women also face significant barriers to obtaining "independent evidence" that the Home Office recognises as legitimate.

Many of the women we interviewed for this research had encountered real difficulties getting a Rule 35 report. As the Adults at Risk guidance for Home Office caseworkers sets out, "the purpose of Rule 35 is to ensure that particularly vulnerable detainees are brought to the attention of those with direct responsibility for authorising, maintaining and reviewing detention."

"The Home Office asked why I only had a Rule 35 report done after my appeal, why I didn't do it before – but how could I? I didn't know about it. They don't tell you these things."

Doctors working in detention centres are required to complete Rule 35 reports when they have concerns that someone is a survivor of torture, or that they have suicidal intentions, or that their health is likely to be "injuriously affected by continued detention". These reports are sent to the Home Office caseworker responsible for managing the person's detention, who should then make a decision "on whether the individual's continued detention is appropriate, or whether they should be released from detention, in line with the Adults at Risk process".²¹

Some women we spoke to, however, had only found out about the Rule 35 process after they had already been detained for some time. One woman, for instance, only found out that she could ask to see a doctor for a Rule 35 report after she had been in detention for almost two months, and another woman in Yarl's Wood explained to her what it was. She told us: "The Home Office asked why I only had a Rule 35 report done after my appeal, why I didn't do it before – but how could I? I didn't know about it. They don't tell you these things." Before this report was completed, the Home Office had dismissed her disclosure of rape, but after receiving her Rule 35 report they finally accepted that she was a survivor of sexual violence.

Women are also having to wait for significant periods of time for an appointment to see a doctor to get a Rule 35 report done. In their 2015 inspection report on Yarl's Wood, HM Inspectorate of Prisons (HMIP) highlighted that "detainees were waiting a week to receive a Rule 35 assessment appointment, which was too long".²² Since this inspection, waiting times appear to have increased: in their most recent annual report, the Independent Monitoring Board (IMB) for Yarl's Wood highlighted that "waiting times are still a problem", and that in November 2016, women were getting Rule 35 appointments "within two weeks".²³

We spoke to several women who had to wait two weeks or more. One woman, for instance, was told she would have to wait two weeks for a Rule 35 appointment; when the day of the appointment came, she was then told that because of staff shortages she would have to wait a further fortnight. Her solicitor complained, and she was seen one week later – but her appointment was still three weeks after she had first requested one.

One woman we interviewed, whose story is told in full later on, had faced particular barriers obtaining a Rule 35 report. When she first attended the appointment for her report, the doctor she saw told her that her experience of domestic violence didn't constitute torture, so there was no point in completing one. When a support organisation she was in touch with contacted healthcare in Yarl's Wood about this, they said they would review the decision made by the doctor, but a further response on the outcome of this review was never received. Without a Rule 35 report, the woman concerned had no other evidence to support what she had disclosed

to the Home Office. It was only when she was taken on by a new solicitor, who complained to healthcare, that she finally had a Rule 35 report done. This was almost two months after she had first requested one.

“Many Rule 35 reports in Yarl’s Wood were poor and some were among the worst that we have seen, providing wholly inadequate protection for some of the most vulnerable detainees”.

HM Inspectorate of Prisons 2015 report

HMIP’s 2015 report on Yarl’s Wood also noted that “many Rule 35 reports were poor and some were among the worst that we have seen, providing wholly inadequate protection for some of the most vulnerable detainees”. Our research suggests that this problem is persisting. Some Rule 35 reports we saw, shown to us by women we interviewed, set out that the women concerned were survivors of rape or other gender-based violence, and documented clear indicators of their current psychological distress, such as being visibly distressed and tearful when describing what had happened to them, having difficulty sleeping, and having flashbacks of their previous experiences. But they then made statements such as “continued detention is unlikely to impact her further psychologically”, or “it is difficult to say if she will get worse while she is in detention”.

Such statements are completely at odds with what research shows about the impact of detention. In a literature review conducted for the Shaw review, Professor Mary Bosworth highlighted that there is a consistent finding across research studies that immigration detention has a negative impact on the mental health of those detained, and the impact on mental health increases the longer detention continues. As Professor Bosworth explained: “Simply put, the literature shows that immigration detention injures the mental health of a range of vulnerable populations.”²⁴ The statements we saw in Rule 35 reports appear, then, to reflect an ongoing lack of the necessary expertise among health professionals working in detention, which is affecting the quality of evidence women are able to obtain.

Some of the women we interviewed eventually managed to obtain evidence supporting their disclosures of sexual or gender-based violence that the Home Office recognised as legitimate, and were then released. However, as obtaining this evidence was difficult, they were often in detention for long periods before this happened. One woman we met, for instance, had experienced forced marriage and domestic violence in her country of origin; when she tried to escape, she was trafficked to the UK, and raped by her traffickers. She was in Yarl’s Wood for almost four months before she was able to obtain evidence of her previous experiences the Home Office would accept. She was subsequently released on the basis of this evidence, but this was almost five months after she was first detained. Her story is on the following pages.

Miriam's story

In the country I come from, in East Africa, I was forced to marry. My husband abused me physically and sexually, and he let his friends do the same to me. I knew my life was in danger; I had to get away somehow.

A woman I knew, who worked in a salon, put me in touch with some people who said they could help me leave. I didn't know they were traffickers, or what they had planned for me – they just promised me I would be helped to find work once I got to the UK. I had been to the UK briefly a few years before, and I thought I would be able to start a new life there, and be safe.

I had to leave my ten-year-old daughter behind; someone I knew from church agreed to look after her. Then I travelled to the UK as part of a group. The people who arranged our travel told us to keep quiet when we went through immigration, and not to say anything. They said, "If you say a word, your life is in danger."

After arriving, I was taken to a warehouse in London and locked in a room with two men. They raped me. Then I was told that I needed to pay for being brought to the UK with my body. They asked me, "Do you want to die, or do you want to live?" I was terrified and desperate.

After I had been in the warehouse for about a day, I managed to escape. It was winter and it was raining. I thought to myself, was it worth it to come here? I was completely confused. I didn't know where to go. I got on a bus but the driver asked me for a pass, which I didn't have. I had no money.

I didn't know where to go or what to do. I was trying to think of anyone I knew from when I came to the UK before, but I couldn't remember where they lived. It took me three or four days, but eventually I managed to get to north London. I found a woman I had known before and explained my situation. She took me to her house and said she would help me, though I would need to look after her children. I thought, ok, at least now I have a shelter. She gave me £15 a week. I didn't mind that.

After that I was working as a carer for an agency. When they asked for ID I showed them the passport the people who had brought me here had given me. I didn't know it was fake.

I was arrested and taken to the police station, and I had a court hearing the following month. I was sentenced to six months in prison. When my sentence finished, I expected to be released. But instead I was then transferred to Yarl's Wood. In the end, I was there for nearly five months.

Yarl's Wood is a secret, torturing place. They take you there in a van with no windows; you don't know where you are going, and when you get there, you cannot get out.

Yarl's Wood is a secret, torturing place. They take you there in a van with no windows; you don't know where you are going, and when you get there, you cannot get out.

I was screened by healthcare when I arrived at Yarl's Wood, but it was just a case of being asked what medications I was on. I didn't have the opportunity to tell them about all the things I had been through; they didn't ask me anything about this at all.

I had heard the word "asylum" before, but I didn't realise it was something I could apply for. But then I heard one of the other women talking soon after I arrived at Yarl's Wood, and I realised that I might be able to claim. In my asylum interview, I told them about what had happened to me in my country, how I had got here, and what happened to me when I first arrived in the UK. But the Home Office said they didn't believe what I had told them.

In Yarl's Wood, my physical and mental health got worse day-by-day. When I went to healthcare, they saw that my blood pressure was getting higher and higher, but they just told me I should try to relax. They asked me, "why are you worrying?" I felt depressed all

The way the Home Office treated me was awful. They didn't believe me when I told them what had happened to me. It just felt like there was no respect for me, as a human, at all.

the time, and I wasn't sleeping. I asked for sleeping tablets, but they said no, and told me to go to Wellbeing, where you can get counselling. Eventually I got an appointment, but then it was postponed for two weeks. I was released before I got seen.

After I had been in Yarl's Wood for almost four months, I found out about Rule 35 reports, in the same way I found out I could claim asylum – I heard other women talking about them. I asked for an appointment, and I was given one for two weeks' time. After the Home Office got the doctor's report, they finally started to believe me. They told me that I was "at risk", and they were thinking about releasing me. Then I got a positive decision from the National Referral Mechanism. I was released from Yarl's Wood, and given a room in a safe house for survivors of trafficking.

I was so relieved when I was released from detention. But even now I don't sleep. All you hear in Yarl's Wood is "Roll call! Roll call!" – that's how you know it's morning. You think, when will I get back to being a normal person? Now, I spend time in my room in the safe house where I'm staying. I try not to think about going back to Yarl's Wood; if I think of that, my life will be ended.

If you ask me what's worse, prison or Yarl's Wood, I say Yarl's Wood. You don't know what you're doing. You wonder if you are safe. The way the Home Office treated me was awful. They didn't believe me when I first told them what had happened to me. It just felt like there was no respect for me, as a human, at all.



3. Even when they obtain evidence the Home Office accepts, survivors of sexual and gender-based violence are being kept in detention

Some women we met eventually obtained evidence of their previous experiences the Home Office accepted, and were released from detention. But we also spoke to women who presented evidence that was deemed legitimate, who nevertheless remained in Yarl's Wood.

As we highlighted earlier, many of the women we interviewed for our research claimed asylum after they had been detained. In their screening and main asylum interviews they disclosed what had happened to them, and they also then provided "independent evidence" in the form of a Rule 35 report, and in some cases other forms of documentary evidence. At this point, these women were usually accepted by the Home Office as survivors of sexual or gender-based violence - and yet they remained in detention, often for protracted periods of time.

One woman we met, for instance, had experienced female genital mutilation as a child; she later married an abusive and violent man, who forced her into prostitution. She disclosed what had happened to her in her main asylum interview, after she had been detained, and the Home Office accepted at this point that she was a survivor of FGM and domestic violence. However, she remained in detention. Two months after she was first detained, she also obtained a Rule 35 report which confirmed, once again, that she was a survivor of FGM and domestic violence, and which supported her account, too, of being forced into prostitution. Once again, however, the Home Office refused to release her. She remained in detention for a further four months after this - so, she was detained for six months in total - before eventually being released, to continue with her asylum claim.

Another woman we met, who is a lesbian, had been forced to marry by her family. Her husband, who then brought her to the UK, was abusive towards her.

She claimed asylum in detention, on the basis of her sexuality, but the Home Office said they didn't believe she was a lesbian and refused her. After she had been in detention for four months, she managed to obtain a letter from an organisation that had previously supported her, confirming that she was a survivor of domestic violence. The Home Office accepted this evidence, but she remained in detention. Later, she obtained a Rule 35 report, which also substantiated what she had disclosed about the abuse she had experienced - and yet even after this, she was kept in Yarl's Wood.

"I've never had this kind of hell. I don't know the reason why they are treating me this way. Sometimes, I feel like I must just scream."

When we spoke to her, she told us: "I've never had this kind of hell, I don't know if I have the strength. I am getting so tired and stressed here. I don't know the reason why they are treating me this way. Sometimes, I feel like I must just scream." More than six months after she was first detained, she was finally released, to continue with her asylum claim. The stories of both these women are told in full on the following pages.

Alongside the Adults at Risk policy, which states that survivors of sexual and gender-based violence should not normally be detained, Home Office guidance on asylum claims made in detention also says that if someone discloses that they have experienced torture, or have "other vulnerabilities", and where such disclosures "are supported by independent evidence such as medical records or a Rule 35 report", they should not normally remain in detention.²⁵

In the cases of many women we spoke to for this research, this guidance was not being adhered to. Indeed, the most recent annual report of Yarl's Wood IMB highlights that, in the majority of cases, providing independent evidence of being vulnerable or "at risk" does not result in release. They note that, between January and September 2016, 374 Rule 35 reports were submitted to the Home Office by doctors working in Yarl's Wood; just 45% of these reports resulted in the person detained being released.

These figures cover a period prior to the Adults at Risk policy coming in - so, as part of our research for this report, we also submitted a Freedom of Information request to the Home Office. We asked about numbers of Rule 35 reports completed by doctors in Yarl's Wood since the Adults at Risk approach was implemented, and how many of these reports had resulted in the person concerned being released.

We submitted this request on 11th July 2017, and the Home Office told us that, in accordance with the Freedom of Information (FOI) Act, they would provide us with a response within 20 working days. On 9th August, however - one day before they were due to release the information to us - the Home Office sent us another letter, explaining that they were considering whether it was in the public interest to disclose this information to us, because it might fall under two exemptions of the FOI Act: Section 31 (1) (e), which states that information does not have to be disclosed if it would prejudice the operation of immigration controls, and Section 31 (1) (f), which says that information does not have to be disclosed if it would prejudice the maintenance of security and good order in prisons or other detention facilities. At this point, we were told "we now aim to let you have a full response by 6th September". At the time of writing this report, however, in October 2017, we still have not received a response.



Vivian's story

I come from a country in West Africa. When I was younger people said I was a witch, because I have a birthmark on my body. They said that bad things were happening to my family because of me. I was circumcised to try to get rid of the curse, but afterwards my parents said it hadn't worked, and eventually they abandoned me. I was still only a child.

I grew up on the streets, with other homeless children. But as I got older I managed to get work, and eventually I had earned enough money to support myself through university.

But what had happened to me when I was younger never left me, and I longed to be part of a family. When I met my husband, he seemed to really care about me; but after we got married, things changed. He started behaving aggressively, and taking the money I earned from work. When he got drunk, he would beat me.

Then, one day, he started bringing men back to our house to have sex with me. The first time it happened I tried to run away, but he dragged me back, and the man raped me. After that, it happened regularly. My husband took money from the men he brought to have sex with me. At one point, I reported what was happening to the police. But my husband found out, and he beat me so badly I was in hospital for weeks.

Eventually, a friend helped me to get a visa to come to the UK. I was so relieved when I finally managed to get away. I didn't know that I could claim asylum, I thought it was only for people from countries where there is war. And I didn't feel able to tell my solicitors about what had happened to me in my country – I felt too ashamed.

The applications I made to stay were refused and then I was arrested at the address I was living at. It was early in the morning, and there were eight immigration officers – seven men and one woman. It was so frightening.

It was when I got to Yarl's Wood, and spoke to some of the other women there, that I found out what happened to me could mean that I could apply for asylum. When I had my asylum interview, I told the Home Office interviewer what had happened to me, including that my husband had forced me to have sex with other men. But just over a week later, they

refused my claim. Although they accepted that my husband had abused me, they said it was safe for me to go back. After they refused me, my solicitor said she couldn't represent me anymore.

After this, I had a Rule 35 report done: I had asked for an appointment before my refusal, but I had to wait more than three weeks to see a doctor. The report confirmed that I had experienced FGM, and that I had been abused by my husband; it also supported what I had said about being forced into prostitution by him. But although the Home Office accepted what the report said, they kept me in detention.

I wasn't really sleeping or eating at all, and I was having flashbacks about what had happened to me. After the Home Office refused my claim, I had thoughts about killing myself.

By this point, I had been in Yarl's Wood for two months. I wasn't really sleeping or eating at all, and I was having flashbacks about what had happened to me. Sometimes, it felt like I was suffocating, as if the walls were closing in. After the Home Office refused my claim, I had thoughts about killing myself, and an officer was checking to see how I was all the time. They also stopped me from buying things from the shop that they thought I might hurt myself with.

Sometimes, when other women were being removed and we were locked in our rooms, you could hear them through the doors, shouting and screaming. I will never forget that. I always thought they were going to send me back, to where I was terrified for my life.

At my appeal, the solicitor who represented me didn't really say anything about how I had been forced into prostitution, and I was refused again. But, fortunately, soon after this I met someone from a support organisation, who helped me find a solicitor who was very experienced in dealing with trafficking cases. After I had been in Yarl's Wood for six months, I was eventually released. My solicitor is now preparing a fresh claim.

I sometimes think, what is the meaning of asylum? In my country I had a good job, but I was frightened for my life, so I had to leave. It was so hard for me to talk about what had happened to me there – but when I did, and I asked for help, I was treated in this way.

Priscillia's story

I am a lesbian, but my family never knew about my sexuality – where I come from, it is illegal to be gay. My family forced me to marry a man I didn't really know, and then he brought me to the UK.

My husband was a bully. While we were married, he controlled me, and mentally abused me. He was always trying to make me feel bad about myself. Sometimes he forced me to have sex with him. While I was married to him I felt so depressed. At times I thought about killing myself.

Then my husband told me he was going to divorce me. I couldn't go back to my country; I knew I wouldn't be able to live my life there. I had a solicitor who helped with an application for leave to remain because of the domestic violence I had suffered, but the Home Office refused me. I couldn't tell the solicitor about my sexuality: because of the country I grew up in, and the way I was brought up, I find it so difficult to talk about it and to be open about who I am.

In early 2017, I was arrested and taken to Yarl's Wood. It was so strange when I arrived there, I had never heard of Yarl's Wood before. It was such a shock, like I was dropped in the middle of the ocean, and I couldn't swim. I felt like my life had been taken away from me.

When I first got to Yarl's Wood I didn't know about the legal advice that was available. Another woman told me about a private solicitor who could help me. I told him about my sexuality but he didn't even take a statement from me.

The Home Office said they didn't believe I was a lesbian, and they refused me. About a month later, a support organisation I met while I was in Yarl's Wood helped me to get a letter from an organisation that had supported me while I was with my husband, confirming what had happened to me. The Home Office accepted this evidence, but they kept me in detention.

My solicitor finally told me about Rule 35 reports – by now, I had been in detention for over four months. I went to healthcare to book an appointment to see a doctor, to do the report, but they told me I had to speak to a nurse first. When I spoke to him, and told him about what my husband had done to me, he said, "Maybe he behaved like that because you weren't listening to him".

Eventually, I got an appointment to see a doctor, to do the Rule 35 report. But when I saw her, she told me what I had been through wasn't torture, so there was no point in doing a report. The support organisation I was in touch with wrote to healthcare to complain about this, and they said they would review the decision. But nothing seemed to happen. Finally, a legal aid solicitor took on my case, and they complained to healthcare. I eventually got a Rule 35 report after I had been in detention for just over six months. Although the Home Office accepted the report, they still kept me in Yarl's Wood.

I started to feel desperate, like I was losing it. I was so stressed and could never sleep properly. I just felt so down.

I was starting to feel desperate. I could never sleep properly. I just felt so down, like I was in pain, but I never knew when I was going to be relieved from it. I started to feel like I was losing it, I was so stressed. You try to encourage yourself, but sometimes you can't. And it was so difficult for me to be open about who I am in Yarl's Wood. You're always worried about what people might say.

A few days after I got the Rule 35 report, I found out the Home Office were going to put me on a charter flight. On the day of the flight, the officers got me to pack up my things, and they took me to segregation. I was so scared. But then, a few hours before the flight was going to take off, my solicitor managed to stop me from being put on it. A week later, the Home Office released me.

My new solicitor recently told me that when the Home Office tried to put me on the flight, I wasn't even at the end of my appeal rights. My previous solicitor had asked for permission to appeal and there hadn't been a response. My new solicitor has now submitted a fresh asylum claim. I hope that this time the Home Office will listen to me, and look at my case properly.

I feel so much better now I'm not in Yarl's Wood, and now I have a good solicitor helping me. But I still think about being detained. Putting a human being there is really bad, just taking their liberty like that. When you wake up in the morning in Yarl's Wood, you know it will be the same, day after day. Some women there are not really functioning anymore: as time goes on, they've started to lose their minds.

4. Even when their mental and physical health are clearly deteriorating, and they are becoming significantly more vulnerable, survivors of sexual and gender-based violence are being kept in detention

We spoke to many women who had been identified as survivors of sexual or gender-based violence, whose mental and/or physical health was clearly deteriorating and so who were becoming even more vulnerable in detention. Nevertheless, they remained in Yarl's Wood.

As we set out earlier, a survey conducted for the Shaw review highlighted a consistent finding across research studies that immigration detention negatively affects people's mental health. Our previous research reports have also documented the impact on women of being locked up in Yarl's Wood. Resonating with this research, the women we spoke to for this report talked about the trauma of being arrested and locked up, and how this had triggered memories of their previous experiences. One woman, who was a survivor of forced marriage and domestic violence, told us: "When they detained me, my heart was scared. For two days I couldn't eat anything. It just led me to have memories of the torture back home. I couldn't wash. I sat down inside the room. I didn't step out." Another woman, who was a survivor of rape and extreme physical violence, said: "I had a bad life in my country, but the way they're making me feel here, locked up in this place - it's like I'm still there."

"Detention is another form of torture. You think you've escaped it in your country, but then you get here and you go to more."

Women also talked about the distress of not knowing what was going to happen to them. One woman, who was a survivor of domestic violence, told us: "Detention is another form of torture. You think you've escaped it in your country, but then you get here and you go to more. Not knowing what they will do to you plays with your mind so much." Women also talked about the impact of there being no time limit on their detention, and the feeling of being in Yarl's Wood endlessly. One woman, a survivor of trafficking, said: "I've been here for so long, I feel like I just can't take it anymore. When will it all end?"

"When someone is being removed we're locked in, so you can't see what's happening - but you can hear them screaming. You feel so bad, you can hear them begging."

Many of the women we interviewed spoke too, in particular, about the terror they felt when other women in Yarl's Wood were removed from the UK. One woman, a survivor of rape, said: "When someone is being removed we're locked in, so you can't see what's happening - but you can hear them screaming, or saying 'you're hurting me'. You feel so bad, you can hear them begging." Women also spoke about the fear and uncertainty caused by the Home Office's increasing use of "removal windows". Instead of being issued with removal directions with a specific date and time, people are now often put under three-month removal windows, which means that - once they have been notified that they are liable to be removed - they can then be removed from the UK at any point during a three-month period, without any further notice.²⁶ One woman said: "Sometimes they don't even give people tickets, they just take them. They call them to reception, and then they just go. When that happens, it's very frightening. You don't know what is going to happen to you."

Locked up in such a traumatic environment, it is hardly surprising that women who are already vulnerable and mentally distressed are getting worse. Home Office guidance on the Adults at Risk process now states that when there are "any changes to the physical or mental health of a detainee, or change in the nature or severity of their identified vulnerability", Home Office caseworkers should be notified "as a matter of urgency ... to enable them to undertake a review of the appropriateness of the individual's continued detention at the earliest opportunity".²⁷ However, women we spoke to whose mental and/or physical health had become significantly worse in Yarl's Wood were not being released from detention.

One woman we met had become extremely unwell in detention. In her country of origin, a close family member had found out she was a lesbian, and had repeatedly raped and beaten her. With the help of a friend, she managed to escape, but she was detained upon arrival in the UK. After claiming asylum, the Home Office dismissed her entire account, including that she had been raped; after she obtained a Rule 35 report, however, they accepted she was a survivor of sexual violence. Nevertheless, she was kept in detention. While in Yarl's Wood, she became increasingly depressed, and told healthcare staff she was having suicidal thoughts. She was prescribed sleeping tablets and anti-depressants, and as her detention continued her anti-depressant dosage was increased.

When we met her for the first time, she had been detained for over two months. At this point, she told us: "I felt OK when I arrived in the UK, I felt safe. But then I was detained, and as the days go by I'm getting mentally worse. I have thoughts about killing myself; I have thoughts about jumping down the stairs. I have such bad thoughts." Later on in her detention, she was diagnosed - by an independent psychiatrist - with post-traumatic stress disorder (PTSD). She was finally released after more than five months in detention, to continue with her claim. By this point, she had become severely depressed.

Another woman we spoke to had suffered extreme physical violence at the hands of her father; her mother had helped her to escape and get to the UK. In Yarl's Wood she spoke to a doctor, and told him she was feeling depressed and suicidal; the doctor told her, however, that she seemed fine, and suggested that she was only saying she felt this way because she wanted to be released. She finally saw another doctor, who was very concerned about her mental health and increased her dosage of anti-depressants. Despite these concerns, however, she remained in detention. She told us: "After just two days in Yarl's Wood, anyone becomes very depressed. You can go to Yoga, and other things that are supposed to help - but what's the point? It doesn't change your situation." She was finally released after almost three months in detention, to continue with her claim.

One woman we met, a survivor of forced prostitution/internal trafficking in her country of origin, was kept in Yarl's Wood even after she developed psychotic symptoms and attempted to kill herself twice. Another woman we interviewed, who had been trafficked to the UK and forced into domestic servitude, had become physically disabled by the time she was detained, and was unable to walk without crutches. While in Yarl's Wood she was no longer able to attend the physiotherapy sessions she had been having, and as a result her mobility

deteriorated significantly, so that she often had to use a wheelchair. She also became depressed and was having suicidal thoughts. She was finally released after almost three months, to live in a care home, because of her physical disability. The full stories of both of these women are on the pages that follow.

It is worth emphasising that many of the women we spoke to for this research were detained for significant periods of time, before being released to continue with their claim. In line with this, Home Office figures show that, under the Adults at Risk approach, it is still the case that the majority of people leaving detention are released to continue with their claim, rather than being removed from the UK. In the year ending June 2017, 52% of people leaving detention were released to continue with their case. This is broadly the same as before the Adults at Risk policy was implemented.

Home Office figures also show that the proportion of asylum-seeking women who are released to continue with their claim is much higher than this average figure. In 2016 - which includes the first few months of the implementation of the Adults at Risk policy - just 15% of asylum-seeking women leaving detention were removed from the UK; 85% were released back into the community, to continue with their claims. Not only, then, are vulnerable women still being detained, and being kept in detention for significant periods of time, even when they are getting mentally and physically worse - but their detention continues to serve no purpose.

"I am traumatised by the memory of Yarl's Wood...even though I left six months ago I still have nightmares about being taken back."

The women we interviewed who had been released by the time we spoke to them, or who were in detention at the time of their interview but were subsequently released, told us that they felt relieved to be out. However, the impact of their detention continued. One woman told us: "I am still worried about going outside, that if I do, I will be detained again. When I look at the dates I have to go and sign with the Home Office - my heart! This morning I have been awake since 5am, thinking I don't want detention again, or deportation."

Another said: "I am traumatised by the memory of Yarl's Wood. It was such a horrible experience, and even though I'm out now, even though I left six months ago, I still have nightmares about being taken back. It's like you're haunted by Yarl's Wood. I feel depressed, I don't feel like doing anything. It's like I have no strength left. I'm like a dead soul."

Voke's story

My parents divorced when I was still quite young. A few years later, my mother got married to another man. He was always telling me off; I was scared of him. Then, when I was a teenager, he told me we didn't have enough money, and that I had to start bringing money in for the family. At first, I didn't really understand what he meant, but then I realised he wanted me to have sex with men for money.

I told him I didn't want to do this, but he attacked me and beat me. I was taken to hospital, and was there for a few days. Afterwards I went to the police, and told them what had happened, but they didn't do anything. When I returned home, my stepfather made me start doing it. My mother knew what he was doing to me. Sometimes, she would beat me if she thought I wasn't doing what my stepfather said.

After a few years, one of the men who had been paying to have sex with me told me he could help me get away. He helped me get a visa and I came to the UK. But then my visa expired. I couldn't go back; I knew what would happen to me. I spoke to some solicitors, who said they could help me renew my visa, but they never did any work on it. None of the solicitors I saw asked me about what had happened to me in my country.

Then, at the beginning of 2017, I was arrested and taken to Yarl's Wood. When I got there, another woman gave me the name of a private solicitor. I called them, and after they had asked me some questions about why I had come to the UK, and what had happened to me, they told me I could claim asylum. I had my asylum interview in Yarl's Wood, and I told the Home Office about what my stepfather had done to me. After that, they referred me into the National Referral Mechanism. I thought, finally, someone is going to help me.

But then the Home Office said they didn't believe me. My solicitor didn't tell me I could challenge this decision. Then they said they needed more money to keep representing me – but I couldn't pay any more, so that was it.

By this point, I had been in Yarl's Wood for over a month. After about another month, I had a Rule 35 report done, which said the scars and injuries on my body were consistent with what I told the doctor had happened to me. The Home Office accepted what the report said, but they kept me in detention.

I started to feel really bad. I was so depressed, but whenever I went to healthcare I felt like they weren't really listening to me. I told them I couldn't sleep, that something wasn't right in my head, that I had been thinking about hurting myself. But they didn't do anything. I started to feel like no one would ever help me, that what was happening to me would never end.

Even when I told them how I had started to hear voices, telling me to end my life, they still didn't help me.

After I had been in detention for seven months, I couldn't see the point of my life anymore, and I told healthcare that was how I was feeling. But even when I told them how I had started to hear voices, telling me to end my life, they still didn't help me.

So I tried to kill myself. I just felt like my life had been taken away from me. It was at the weekend, so they put me on constant supervision, and told me I would see a doctor in a couple of days. The next day, after they had stopped watching me, I tried again. After it happened, one of the officers asked me why I had done something so silly. It made me feel so bad, like no one would ever listen to me, or take my feelings seriously.

In the days after I tried to kill myself, I didn't see a doctor at all. I now have a legal aid solicitor, and she has told me that healthcare should have also done another Rule 35 report after I attempted suicide, but they didn't do this, even after she wrote to them – they just didn't reply.

Eventually, after I had been in detention for almost eight months, my solicitor went to court and a judge told the Home Office they had to release me. It was such a relief to get out of there, but I don't understand why they had to put me through it at all. I hope I will start to feel better soon, but I will never forget being detained. I will never forget Yarl's Wood.

Elizabeth's story

I was brought to the UK to do domestic work for a family. I was told I would make money to send back to my children, but when I got here, I never got any pay. They treated me very badly and made me work all day and into the night. Then, after a few years, I started to get problems with my knees and was in a lot of pain. When the family realised that I wouldn't be able to work anymore that was it. They threw me out onto the street, and all of my things.

After that, I was in hospital, for an operation to have both knees replaced. While I was in there I met someone from a women's charity, and I told her how I had got to the UK and what happened to me when I arrived. She explained that I had been trafficked: she helped me to find a solicitor, and I made an asylum claim. I was moved into Home Office accommodation in Birmingham. But after a while my claim was refused, and I had to leave that accommodation.

I had nowhere to go, and I was desperate. After a few days of being homeless, I collapsed on the street and was taken to hospital. They told me to go to the local police station to ask for help. But the police held me in the station for a night and then took me to Yarl's Wood.

Before I was detained I always had to walk with crutches. Inside Yarl's Wood it got much worse. I did not get the physiotherapy that I had been having before and so I became very stiff. My knees swelled up and I couldn't move around without a wheelchair.

The officers at Yarl's Wood would not let me keep the wheelchair in my room and sometimes would not let me use it at all. They often refused to help me in the wheelchair, and I had to ask other women who were detained there to push me. Sometimes I would be stuck somewhere for hours, waiting for help to come.

Some days, when I was in a lot of pain, I would get up early to go to healthcare to get medication. Healthcare is far away and it would take me a long time to arrange for the wheelchair and someone to take me. Often I would arrive and be told that they were too busy and I would have to wait. I would sit there for a long time, often until they closed for the day without seeing me, meaning I'd have to go another day without pain medication.

This was not the only way they took away my medication. One doctor in healthcare prescribed me something that helped my knees but when I went to pharmacy to collect it again they said that I was not allowed it. The officers ransacked my room looking for medicines. A man searched everywhere, even through my knickers. When I asked him to stop he said he would report me for shouting. They took away a cream that I needed for my knee.

I became very depressed in detention. I didn't really sleep while I was there. Before I had been taking anti-depressants, but I didn't have these in Yarl's Wood. Sometimes I thought about killing myself. I tried to be strong, but I can't recall a day I didn't cry. The frustration gets to your brain and the worries are too much.

They put a waist restraint belt on me and two people pulled me along. It was so painful and humiliating. I was crying, and telling them they were hurting me, but they just carried on.

After I had been in detention for just over two months, they tried to remove me from the UK. When they took me to the airport, they said I wasn't allowed to use a wheelchair. And long before we got to the airport, they put a waist restraint belt on me and two people pulled me along. It was so painful, and so humiliating. I was crying, and telling them they were hurting me, but they just carried on. It was so dark and I was so scared. There were five of them, two men and three women, restraining only me – as if I'd have the strength to fight, I can barely walk.

At the last minute, my solicitor managed to stop the removal. Then they took me to Colnbrook, I think because they wanted to try to remove me again that week. But Colnbrook said they didn't have the facilities to look after me, and they refused to take me. When I was back in Yarl's Wood, my knees had swollen up so badly, and I was in so much pain. It was 3am and I had not eaten since breakfast the previous day.

After about three months, my solicitor found a care home for me to go to, and they released me from detention. But even now, I am scared they will detain me again. I don't know what's going to happen. It doesn't feel like I am free.

Pregnant women in detention

As our research and that of other organisations, including Medical Justice,²⁸ has highlighted, being detained during pregnancy is particularly distressing. It has a significant impact on women, both emotionally and physically. The Royal College of Midwives has said: “The detention of pregnant asylum seekers increases the likelihood of stress, which can risk the health of the unborn baby.”²⁹ Moreover, the detention of women who are pregnant serves little purpose. In 2014, 99 pregnant women were detained in Yarl’s Wood, but just nine of these women were removed from the UK – so, 90% were released to continue with their claims in the community.³⁰

The Shaw review concluded that “detention has an incontrovertibly deleterious effect on the health of pregnant women and their unborn children.”

Reflecting these concerns, the Shaw review concluded that “detention has an incontrovertibly deleterious effect on the health of pregnant women and their unborn children”, and that alongside this, their detention rarely serves any purpose, as “in practice, pregnant women are very rarely removed from the country, except voluntarily”. As a result, it recommended that the government should introduce an outright ban on their detention. Following the publication of the review, and during the latter stages of the Immigration Bill 2015-16, the House of Lords also voted 274-215 in favour of this, demonstrating clear political support for such a measure.

Unfortunately, the government rejected the introduction of an absolute ban. However, they promised to stop routinely detaining pregnant women, by introducing a 72-hour time limit on their detention. This time limit came into force on 12th July 2016.

We welcomed the time limit as a positive step forward, and hoped it would have the effect the government promised. However, even though the time limit has been in place for well over a year, it has been very difficult to get a sense of how it is operating in practice. Since the publication of HMIP’s 2015 report on Yarl’s Wood, the Home Office has been collecting data on the detention of pregnant women centrally.³¹ But it has repeatedly resisted calls to publish this data.

In October 2016, for instance, a few months after the time limit was introduced, the government spokesperson in the House of Lords told peers: “We do not propose to publish statistical information routinely on the detention of pregnant women. Such information would be limited by caveats as to scope and accuracy, given that it could relate only to those women known to be pregnant. In addition, any statistical information would not in itself provide a fully accurate, rounded picture unless it was accompanied by a detailed narrative on the circumstances of the individual cases, which would not be appropriate, not least given the risk of identifying particular individuals.”³²

We only, of course, expect the Home Office to publish statistics on the detention of women who are known to be pregnant, and who therefore fall under the operation of the time limit. We are also rather puzzled by the claim that statistical information would not provide an “accurate” picture, unless it was accompanied by a “detailed narrative on the circumstances of the individual cases”. For instance, since the pledge to end the detention of children, and the introduction of the Family Returns Process to achieve this, figures on the use of immigration detention for children have been published regularly as part of the Home Office’s quarterly immigration statistics. There has been no suggestion that these figures are not accurate, because they are not accompanied by detailed information on individual cases.

As well as refusing to publish their data on the detention of pregnant women, the Home Office has made it very difficult for us to access this information through Freedom of Information (FOI) requests. We have submitted four FOI requests on pregnant women in detention, asking about numbers detained, and outcomes for them – that is, if they left detention to be removed from the country, or if they were released to continue with their case. Two of the requests we submitted covered the period before the time limit came in, as we wanted to obtain accurate statistics on the detention of pregnant women before the change in policy; and two asked for the data gathered by the Home Office since the time limit has been in force.

The Home Office has failed to respond to all four requests within the deadlines specified by the Freedom of Information Act. In the case of one request, the Home Office wrote to us saying that they needed to extend the usual 20-working-day deadline set out in the FOI Act, to consider the

public interest in releasing the information we had requested, because disclosing it might be prejudicial to commercial interests. In the case of another request - which, we should emphasise, asked for exactly the same information, but across a different time period - we were told that they needed to extend the deadline because they needed to consider if disclosing this information might be prejudicial to "the maintenance of security and good order in prisons or other detention facilities". In both instances, the Home Office told us they would respond to us within another 20 working days; in both cases, however, they failed to send us a response by this new date.

Following complaints by us, the Information Commissioner's Office (ICO) has issued formal breach notices against the Home Office in relation to three of the requests we have made, because of their failure to respond.³³ The ICO are currently investigating the complaint we have made about the fourth request.

The figures we eventually managed to obtain through some of these requests suggest that the numbers of pregnant women being detained have fallen noticeably since the time limit came in, which is very positive. However, it is still the case that the vast majority of pregnant women are not removed from the UK, but released. The response we eventually obtained to one of our FOI requests (more than six months after we first sent it to the Home Office) shows that across the first four months after the time limit came in (12th July-7th November 2016) 16 pregnant women were held in immigration detention. Of these women, just two (12%) were removed from the UK; 14, or 88%, were released to continue with their cases.

We have also worked with Parliamentarians to try to get a sense of the effect the time limit is having. In response to a written question tabled in December 2016 by Heidi Allen MP (Conservative), the Home Office said that from 12th July 2016, when the time limit came in, to 30th September 2016, 12 pregnant women were detained, with just one (8%) of these women removed.³⁴

Responding to another written question, tabled in March 2017 by Nusrat Ghani MP (Conservative), the Home Office stated that in the first six months after the time limit came in (12th July-31st December 2016), 27 pregnant women were detained. Just five (19%) of these women were removed from the UK; 22 (81%) were released.³⁵ From these figures, therefore, it appears that under the time limit, fewer than 20% of pregnant women detained are removed; more than 80% are released to continue with their cases.

We acknowledge that the figures we are relying on here are partial - we would like the Home Office to be more transparent, and publish the data they have been collecting, so that it is possible to scrutinise the impact of the time limit properly. It does appear that since the introduction of the time limit, the majority of pregnant women are still being detained unnecessarily and are not being removed from the UK. Nevertheless, the fall both in numbers and duration of detention of pregnant women is a genuinely positive step that the Home Office can now build on in order to continue to further reduce, and end, the detention of pregnant women.

Conditions in Yarl's Wood

We were dismayed to see the recent Panorama investigation, broadcast on BBC One in September 2017, which showed officers insulting and abusing vulnerable men held in Brook House detention centre.³⁶ At the time of the Shaw review, an undercover report by Channel 4 News had also revealed the appalling behaviour of staff in Yarl's Wood, including officers making racist and sexist comments about the women held there.³⁷ Before this undercover report, our previous research reports had also documented poor conditions there, and in particular the routine intrusions by staff on women's privacy and dignity.

"Everyone's scared about complaining. You can't complain because you are so worried about what will happen to you."

When we published our first report on women in detention in January 2014, we were struck to hear women tell us about the invasions of privacy they suffered in Yarl's Wood. They spoke to us about being watched by men when they were on suicide watch, or "constant supervision", and about male officers barging into their rooms without knocking first, or without waiting for a response. In response, the Home Office simply denied this was happening, and made this statement: "Male staff would not supervise women showering, dressing or undressing, even if on constant supervision through risk of self-harm."³⁸

In January 2015 we published *I Am Human*, in which we proactively asked women about their experiences of loss of privacy and dignity, and we heard that 33 out of the 38 women we interviewed spoke about men seeing them in intimate situations such as washing or dressing, while 13 out of the 19 women who had been on constant supervision had been watched by men. Our findings in this area were later corroborated by HMIP's 2015 inspection of Yarl's Wood.

We were pleased, then, that in June 2016, the Home Office published new guidance on the treatment of women in detention. As part of this guidance, it is set out that male staff should never watch women on constant supervision.³⁹ A small number of the women we spoke to for this research had been on constant supervision in Yarl's Wood; positively, none of these women said they had been watched by a male officer during this. We welcome this progress.

Less positively, however, other problems we have previously identified are persisting. Eighteen of the 26 women we spoke to for this report said they had experienced staff barging into their rooms without knocking, or without waiting for a response after they had knocked; 16 of these women said that a male member of staff had barged into their room. One woman told us that a male officer had barged into her room without knocking and seen her in just her towel, which she found humiliating. She said: "He just walked in and saw me there, and then he just walked out - he didn't try to apologise. I don't want officers to see me like that."

Five women also told us that they had been pat-down searched while a male officer watched, and four women said their rooms, including their personal possessions, had been searched by men. A number of women also told us that staff were going into their rooms while they weren't there, to see if they were keeping, for instance, cutlery and plates in there. They said they knew this because other women told them afterwards that they had seen officers going into their room, or because when they returned, it was clear that things in their room had been moved. As one woman explained, "It just makes you feel like there's no privacy here, that they could go through all your stuff and you wouldn't know."

Two women also told us about instances of sexual assault by staff. One woman told us that she had been sexually assaulted by a female member of staff, and another woman told us that a friend of hers had been sexually assaulted, also by a female officer. She explained why her friend had felt unable to complain: "She was too scared. Everyone's scared about complaining. You can't complain because you are so worried about what will happen to you."

"When some staff speak to you, it's not like they say racist words or anything. But you know how they see you. They just talk to you like you're nothing."

The story of one of the women we spoke to, set out earlier, points to the poor treatment by some staff of disabled women in Yarl's Wood: as she explained, when she needed to use a wheelchair to get around, as she became increasingly immobile, staff often refused to push her and she had to rely on other women for help. Another woman

we spoke to, who is registered as disabled, also experienced poor treatment by some staff. She had to use the lift to get to the canteen in Yarl's Wood, which requires the assistance of an officer. She said that when she asked to use the lift some staff were so rude and unhelpful that she eventually stopped asking them, and so when they were on duty she just wouldn't go to the canteen.

Some women told us that some officers in Yarl's Wood were friendly and helpful, and tried to support them. Women also told us, however, that some staff were racist towards them, and treated them in a dismissive and rude way. One woman explained: "Some officers are good, but the way some staff talk to you, it is so humiliating." Another woman said: "When some staff speak to you, it's not like they say racist words or anything. But you know how they see you. They just talk to you like you're nothing. There's nothing you can do to please them."

As long as people are locked up in a system that dehumanises them, poor treatment and abuse by individual members of staff will continue.

We understand that an investigation into what happened at Brook House has now started,⁴⁰ just as there was an investigation into Yarl's Wood in 2015.⁴¹ It needs to be recognised, however, that such investigations will not stop abuses from happening again in the future. As long as people are locked up in this way, in a system that dehumanises them, poor treatment and abuse of them by individual members of staff will continue.





Conclusion

The failure of detention reform and the Adults at Risk approach

Our research shows that, despite what the government promised, the Adults at Risk policy is failing to safeguard and protect vulnerable women, and has not resulted in significant change.

We have found that under this approach, survivors of sexual and gender-based violence are routinely being detained; that these already vulnerable women are becoming even more vulnerable in detention; and that they are often being held in Yarl's Wood for protracted periods of time. Moreover, women are being held for long periods before then being released to continue with their claims, so their detention is pointless.

We have also found that, while the number of pregnant women detained has fallen noticeably under the 72-hour time limit, the majority of these women are still being released back into the community to continue with their cases, as was happening before the time limit came in.

Our finding that the introduction of the Adults at Risk policy has not resulted in substantive change correlates with official statistics on detention. The most recent Home Office figures show that, since the Adults at Risk policy has been in force, the number of people detained has not fallen, as the government indicated it would, but has remained broadly the same. At the end of June 2017, there were 2,994 people in immigration detention. This compares with 2,878 at the same point last year, before the new policy came in.⁴²

As we have also highlighted, in 2016, which includes the first few months of the implementation of the Adults at Risk policy, just 15% of asylum-seeking women leaving detention were removed from the UK; 85% were released back into the community, to continue with their claims. The most recent Home Office figures also show that, in the year ending June 2017, 52% of all people leaving detention were released to continue with their case. This is broadly the same as before the Adults at Risk policy was brought in.

The way ahead: Time to move away from detention

We believe that, to help realise their commitment that vulnerable people will not be detained, it is now time for the government to move away from detention altogether, and develop community-based alternatives based on support and engagement.

As we set out in our report *The Way Ahead* (2017), community-based alternatives, focused on support and engagement, are used in many different countries. Under this type of approach, which is often known as case management, people going through immigration and asylum systems are supported to understand and participate in the process they are going through, and to work towards case resolution in the community. Case management can be used at any point in the process, including when someone's claim has been refused.

There are several advantages to this type of approach. Most importantly, supporting people to resolve their case in the community is more humane: it avoids the trauma and harm of detention, and promotes the wellbeing of those going through immigration and asylum systems.

Research from many different countries also shows high levels of compliance and very low levels of absconding for community-based programmes – including for those working with people whose cases have been refused, who are required to leave the country. Alongside this, community programmes have much lower operational costs than detention centres. Finally, they have much higher rates of voluntary return. This is because people have been helped to understand and participate in the process they are going through, and so feel more able to trust the system, and also because they have been supported to consider all possible options available to them.⁴³

Areas of success to build on: The Family Returns Process in the UK

The UK has, in fact, already taken some steps towards a more engagement-focused, community-based approach for some people who have had their asylum claims refused. The Family Returns Process, which was introduced in 2011 following the Coalition government's pledge to end the use of detention for children, uses structured engagement to help resolve the cases of families who have been refused asylum. It operates in the following way.

First, a "family return conference" is held with the family, to discuss the option of voluntary return and any barriers to return, such as medical or family welfare issues. Two weeks later, there is a "family departure meeting", to discuss the family's views about their options. If the family do not then decide to take voluntary return, they are given two weeks' notice of a "required return". This means their return is arranged by the Home Office but they make their own way to the airport, and their return takes place without the use of enforcement.

It is only if these attempts to resolve the family's case are unsuccessful that enforcement can then be used. If the family does not comply with the required return, the Home Office draws up a plan for their "ensured return"; this plan is referred to the Independent Family Returns Panel, whose membership includes health and child welfare experts, and who can recommend that changes to the plan are made. As a last resort, detention may be used, but only with the approval of the Panel. Detention can be for up to 72 hours, or up to a week with ministerial approval.⁴⁴

Under the Family Returns Process, the number of children detained in the UK has fallen dramatically. In 2009, for instance, before this new approach was introduced, 1,119 children were held in detention; in the year ending June 2017, by contrast, 48 children were detained – a fall of 96%.⁴⁵ The most recent annual report of the Family Returns Panel also highlighted that, between 2014-16, 97% of families routed into the process who subsequently returned to their countries of origin did so without the use of enforcement and detention.⁴⁶

While the Family Returns Process does not take a formal case management approach, it does demonstrate that supporting people in the community, and engaging with them in a sustained and structured way, can significantly reduce the use of detention. This is a vital lesson that should give the government confidence in moving away from detention, and should be the basis for more widespread reform in the UK.

Recommendations for change

Moving away from detention

- **The government should work with the voluntary sector to develop and implement alternatives to detention, focused on support and engagement**

Our research indicates that the Adults at Risk policy is failing to safeguard and protect vulnerable women, and ensure they are not normally detained. We believe it is time to move away from detention altogether, and develop community-based alternatives to detention, focused on support and engagement.

There is a wealth of international evidence demonstrating that alternatives to detention are more humane, more effective, and cost less than detention. The success of the Family Returns Process in the UK also shows that the government can be confident in moving away from detention. The voluntary sector, including the Detention Forum and its member organisations, has considerable expertise in providing support to and building trust with those going through immigration and asylum processes. The Home Office should therefore work closely with voluntary organisations in developing and implementing alternatives to detention.

Implementing detention reform

While the government is developing alternatives to detention, it should take the following immediate steps to implement real detention reform:

- **Implement a proactive screening process to ensure that survivors of sexual and gender-based violence, and others who are vulnerable, are being identified before detention**

As our research shows, under the current Adults at Risk approach, there is no screening process or mechanism that actively identifies if someone is vulnerable or "at risk", and so unsuitable for detention, before they are detained. Because of this, survivors of sexual and gender-based violence, who the policy says should not normally be detained, are going into detention before the Home Office has made any attempt to find out about their previous experiences and assess if they are vulnerable in any way. A proactive screening process needs to be implemented to ensure that survivors of sexual and gender-based violence, and others who are vulnerable, are identified before they are detained.



■ Implement the stated presumption against the detention of survivors of sexual and gender-based violence, and other vulnerable people

Even when they are identified, survivors of sexual and gender-based violence are being kept in detention – even when they are clearly deteriorating, and becoming significantly more vulnerable – for long periods of time.

The Adults at Risk policy contains a clear presumption against the detention of those who are vulnerable. This needs to be implemented in practice.

■ Introduce an absolute exclusion on the detention of pregnant women

Figures obtained for our research indicate that since the introduction of the 72-hour time limit, the number of pregnant women detained has fallen noticeably. However, they also suggest that the majority of pregnant women detained are still released rather than removed from the UK. The practice of detaining pregnant women, even for short periods of time, remains harmful, and continues to serve no purpose.

The government should therefore implement the absolute exclusion on the detention of pregnant women recommended by the Shaw review. At the very least, the Home Office needs to publish regular statistics on the detention of women who are known to be pregnant, so that the commitment to end the routine detention of pregnant women can be properly scrutinised.

■ Introduce a 28-day time limit on detention

The indefinite nature of immigration detention in the UK exacerbates the harm of being locked up, as people simply have no idea of when they will be released. Introducing a 28-day time limit would therefore have a clear impact on the welfare of those detained. HMIP has also highlighted how the lack of a time limit incentivises inefficient case-working by the Home Office.⁴⁷

The introduction of a time limit has cross-party Parliamentary support, and has also been called for by monitoring bodies including HM Inspectorate of Prisons and the National Preventive Mechanism.⁴⁸ A 28-day time limit, as recommended by the 2015 Parliamentary inquiry into detention, should be introduced.

■ Stop detaining people while their asylum claims are in progress

The Detained Fast Track (DFT), under which people were kept in detention for the duration of their asylum claim, has thankfully been brought to an end. However, people are still being detained while their claims are in progress, under what is known as Detained Asylum Casework (DAC): when people claim asylum in detention, they are often kept in detention for the whole of their case.

While this process doesn't have the same rapid timescales as the DFT, keeping people in detention while their asylum case is ongoing will always have an adverse effect on their claim. It is, for instance, extremely difficult to get hold of evidence needed to substantiate your case if you are detained, and the re-traumatising environment of detention also acts as a significant barrier to disclosing previous experiences that may be critical to someone's claim.⁴⁹

The women we spoke to for our research gave clear reasons explaining why they had claimed asylum after they had been detained. Moreover, research evidence shows that people rarely abscond while they have an ongoing claim.⁵⁰ Detained Asylum Casework should be abolished and when people claim asylum in detention, they should be released into the community immediately, to continue with their claim.

■ Implement a monitoring framework and an accountability mechanism for detention reform

As we have highlighted, the government hasn't yet set out how it is monitoring the Adults at Risk policy, to ensure that it is achieving its aims. A clear monitoring framework needs to be implemented, and the Home Office should make statistics collected through this publicly available.

There also needs to be an accountability mechanism to ensure the progress of detention reform. The Shaw review recommended that the Home Office should act on its recommendations "boldly and without delay", and yet official statistics on the use of detention show that since the introduction of the Adults at Risk policy, little has changed.

The 2015 Parliamentary inquiry into the use of detention recommended that a working group should be set up to ensure substantive detention reform. Such a group should now be established, to oversee a clear reduction in the use of detention, including through the development of support and engagement-focused alternatives to detention.

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2. As the Home Office explains in *Victims of modern slavery – competent authority guidance* (2016): “The essence of human trafficking is that the victim is coerced or deceived into a situation where they are exploited. Article 4(a) of the Council of Europe Convention on Action against Trafficking in Human Beings defines ‘human trafficking’ as: ‘the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.’” See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/521763/Victims_of_modern_slavery_-_Competent_Authority_guidance_v3_0.pdf. While we recognise that both men and women are trafficked, the types of exploitation women spoke to us about for this research, forced prostitution and domestic servitude, disproportionately affect women, and thus we understand them as forms of gendered violence.
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9. Home Office (2016) *Immigration Act 2016: Adults at Risk in immigration detention*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/547519/Adults_at_Risk_August_2016.pdf
10. *Written Ministerial statement, Immigration detention: Pregnant women*, 18th April 2016, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-04-18/HCWS679/>
11. See Home Office (2016) *Immigration Act 2016: Adults at Risk in immigration detention*; see also *Written Ministerial statement, Immigration detention: Vulnerable persons*, 14th January 2016.
12. When we interviewed women in Yarl's Wood, we paid £20 into their Yarl's Wood account, or put £20 credit on their phones. When we interviewed women in the community, we gave them £20 cash.
13. According to statistics supplied to Women for Refugee Women by the Home Office, in 2016, of 1,726 women leaving detention who had claimed asylum, 1044 had been detained for up to 28 days; 346 had been detained for between 29 days to under 2 months; and 336 had been detained for 2 months or more.
14. This information was given by the Home Office to voluntary sector organisations at a stakeholder meeting on 26th July 2017.
15. See Home Office (2017) *Detention Services Order 08/2016: Management of Adults at Risk in immigration detention*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/594770/DSO__Adults_at_risk_.pdf. Paragraph 15 sets out that “all detainees must have a medical screening within two hours of their arrival. For detainees who arrive late in the evening this will be undertaken at the earliest opportunity and detainees who do not wish to have a full medical screening late at night may opt to receive a basic screening on arrival with a full screening the next day.”
16. Webber, F. (2012) “As I woman I have no country”: *The denial of asylum to women fleeing gender-related persecution*, <https://wssagwales.files.wordpress.com/2012/10/asawoman.pdf>
17. See, for instance, Weiss, K. G. (2010) *Too ashamed to report: Deconstructing the shame of sexual victimization*, in *Feminist Criminology* 5 (3), pp. 286-310
18. See <https://rapecrisis.org.uk/statistics.php>
19. Home Office (2016) *Adults at Risk in immigration detention – for Home Office staff*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574970/adults-at-risk-policy-guidance_v2_0.pdf
20. See Independent Asylum Commission (2008) *Fit for purpose yet? The Independent Asylum Commission's Interim Findings*, <http://www.independentasylumcommission.org.uk/files/Fit%20for%20Purpose%20Yet.pdf>; Asylum Aid (2011) *Unsustainable: The quality of initial decision-making in women's asylum claims*, <http://www.asylumaid.org.uk/wp-content/uploads/2013/02/unsustainableweb.pdf>; Amnesty International and Still Human Still Here (2013) *A question of credibility: Why so many initial asylum decisions are overturned on appeal in the UK*, https://www.amnesty.org.uk/files/a_question_of_credibility_final_0.pdf
21. Home Office (2016) *Adults at Risk in immigration detention – for Home Office staff*.
22. HM Inspectorate of Prisons (2015) *Report on an unannounced inspection of Yarl's Wood Immigration Removal Centre*, <https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2015/08/Yarls-Wood-web-20151.pdf>

23. Yarls Wood Independent Monitoring Board (2017) *Annual report 2016*, <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2017/06/Yarls-Wood-2016.pdf>
24. Bosworth, M. (2016) *The impact of immigration detention upon mental health: A literature review*, in *Review into the welfare in detention of vulnerable persons: A report to the Home Office by Stephen Shaw*.
25. The interim instruction for asylum cases in detention, published by the Home Office on 1st August 2016, stated: "Allegations of torture and other vulnerabilities set out in Chapter 55.10 should be carefully considered before referring a case to the Detained Asylum Casework Team. Where such allegations are supported by independent evidence such as medical records or a Rule 35 report, the case should not normally be referred to the Detained Asylum Casework Team". However, this guidance no longer appears to be available online. New guidance on asylum claims in detention, published by the Home Office on 18th September 2017, now states: "Allegations of torture and other vulnerabilities set out in Adults at Risk in Immigration Detention should be carefully considered by the Detention Gatekeeper before referring a case to the Detained Asylum Casework Team. Where such allegations are supported by independent evidence such as medical records or a Rule 35 report indicating that detention for the period identified as necessary would be likely to cause harm, the case should not normally be referred to the Detained Asylum Casework Team"; https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/646438/Asylum-claims-in-detention-v4.0EXT.pdf. The newer guidance, therefore, has raised the threshold for being released if you make an asylum claim after being detained. It is no longer enough to have independent evidence of vulnerability; this evidence must also now assert that continued detention would be likely to cause harm. This raised threshold is completely at odds with the government's stated aim, through the Adults at Risk policy, to reduce the number of vulnerable people detained, and the number of people in detention overall.
26. For further information on removal windows, see <https://www.freemovement.org.uk/removal-windows-injunctions-and-out-of-country-appeals-the-acceleration-of-enforced-removals/>
27. Home Office (2017) *Detention Services Order 08/2016: Management of Adults at Risk in immigration detention*.
28. Medical Justice (2013) *Expecting change: The case for ending the detention of pregnant women*, <http://www.medicaljustice.org.uk/wp-content/uploads/2016/03/expectingchange.pdf>
29. *Ibid.*
30. HM Inspectorate of Prisons (2015) *Report on an unannounced inspection of Yarls Wood Immigration Removal Centre*.
31. Home Office (2015) *Service improvement plan for Yarls Wood*, <http://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2015/08/2015-08-11-FINAL-AGREED-Service-Improvement-Plan-for-Yarls-Wood-IRC.pdf>
32. House of Lords question for short debate, *Immigration: Detention of pregnant women*, 27th October 2016, <http://hansard.parliament.uk/Lords/2016-10-27/debates/B506E3C6-6840-45E5-B60B-F7621BCE9EC6/ImmigrationDetentionOfPregnantWomen#contribution-20328359-D700-4C4C-B99F-0A51469BE5ED>
33. The first breach notice was issued on 13th June 2016, see https://ico.org.uk/media/action-weve-taken/decision-notices/2016/1624503/fs_50624827.pdf. The second breach notice was issued on 21st December 2016, see <https://ico.org.uk/media/action-weve-taken/decision-notices/2016/1625622/fs50649497.pdf>. The third breach notice was issued on 6th April 2017, see <https://ico.org.uk/media/action-weve-taken/decision-notices/2017/2013910/fs50662683.pdf>
34. Written question, *Immigrants: Detainees*, submitted on 5th December 2016, answered on 20th December 2016, <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-12-05/56126/>
35. Written question, *Detainees: Pregnancy*, submitted on 29th March 2017, answered on 18th April 2017, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-03-29/69792/>
36. "Undercover: Britain's immigration secrets", Panorama, BBC One, 4th September 2017.
37. "Yarls Wood: Undercover in the secretive immigration centre", Channel 4 News, 2nd March 2015, <https://www.channel4.com/news/yarls-wood-immigration-removal-detention-centre-investigation>
38. Correspondence from Home Office to journalists, seen by Women for Refugee Women 30th January 2014.
39. Home Office (2016) *Detention Services Order 06/2016: Women in the detention estate*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/531270/DSO_06-2016_women_in_the_detention_estate.pdf
40. See <http://www.g4s.uk.com/en/Media-Centre/News/2017/09/04/Brook-House>
41. Lampard, K. and Marsden, E. (2016) *Independent investigation into concerns about Yarls Wood immigration removal centre: A report for the chief executive and board of Serco plc*, <http://www.verita.net/wp-content/uploads/2016/04/Independent-investigation-into-concerns-about-Yarls-Wood-immigration-removal-centre-Serco-plc-Kate-Lampard-Ed-Marsden-January-2016-1.pdf>
42. Home Office, *Immigration statistics, April to June 2017 - How many people are detained or returned?* 24th August 2017, <https://www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/how-many-people-are-detained-or-returned>
43. International Detention Coalition (2015) *There are alternatives: A handbook for preventing unnecessary immigration detention*, <http://idcoalition.org/publication/view/there-are-alternatives-revised-edition/>; Detention Action (2017) *Without detention: Opportunities for alternatives*, <http://detentionaction.org.uk/wordpress/wp-content/uploads/2016/09/Without-Detention.pdf>
44. See Gower, M. (2014) *Ending child immigration detention*, <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN05591#fullreport>
45. Home Office, *Immigration statistics, April to June 2017 - How many people are detained or returned?*
46. Independent Family Returns Panel (2017) *Annual report 2014-16*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/583790/Independent_Family_Returns_Panel_report_2014-16.pdf
47. See APPG on Refugees and APPG on Migration (2015) *The report of the inquiry into the use of immigration detention in the UK*.
48. See HM Inspectorate of Prisons (2015) *Report on an unannounced inspection of Yarls Wood Immigration Removal Centre*; National Preventive Mechanism (2017) *Monitoring places of detention: Seventh annual report of the United Kingdom's National Preventive Mechanism*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/584051/npm-annual-report-2015-2016-print.pdf
49. See Women for Refugee Women (2014) *Detained: Women asylum seekers locked up in the UK*.
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Every year, just under 2,000 women who have come to the UK and claimed asylum are locked up in immigration detention. Many of these women are survivors of rape or other gender-based violence, and detention is traumatic for them. Their detention is also often pointless, as the majority are not removed from the UK, but released to continue with their cases.

In September 2016, the government introduced a new “Adults at Risk” policy which states that vulnerable people, including survivors of sexual and gender-based violence, should not normally be detained. The government said that through this policy the number of vulnerable people detained would fall, and the use of immigration detention would reduce. We welcomed these commitments as positive steps forward.

But one year on, we still don't know how the Home Office has been monitoring the new policy, and if it is achieving its aims. To help assess the new approach, Women for Refugee Women has conducted in-depth interviews with 26 women who have sought asylum and been detained in Yarl's Wood detention centre since the Adults at Risk policy was introduced.




Our research has found that the Home Office is still routinely detaining vulnerable women for extended periods of time. There is no screening mechanism in place to identify vulnerability before women are detained, and when women disclose their previous experiences of abuse they are often not believed - or, if they are, they nevertheless remain locked up.

This report makes recommendations for immediate reform in immigration detention, and also sets out how the government can move away from the use of detention altogether.

“It's like you're haunted by Yarl's Wood. I feel depressed, I don't feel like doing anything. It's like I have no strength left. I'm like a dead soul.”

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