

United Kingdom Detention Profile

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In December 2010, Deputy Prime Minister Nick Clegg announced that the United Kingdom was eliminating its policy of long-term detention of children, claiming “a big culture shift within our immigration system, one that puts our values ... above paranoia over our borders” (Liberal Democrats 2010).

This change in policy—which some observers have argued has done little to prevent many children from being detained—came as the result of years of nationwide debate over the topic of child detention, part of a wider polemic on immigration and asylum in a country that saw its foreign-born population nearly double during 1993-2009 to seven million (Rienzo & Carlos-Silva 2011). Observers estimate that the number of irregular residents in the country increased from 310,000-570,000 in 2001 to 525,000-950,000 by the end of 2007 (Travis 2009).

In the past decade, the United Kingdom has significantly expanded its use of detention in response to migration—as well as to public concerns, often stoked by political figures, over terrorism and other forms of insecurity purportedly associated with immigration. As one scholar writes, “If earlier debates saw imprisonment [of foreign nationals] as regrettable but sometimes necessary, by 2005 the White Paper *Controlling our Borders* presented detention as an aspiration, effectively erasing the distinction between criminal and asylum seeker through a promise to ‘introduce a new asylum process, detaining more people and using other means of contact like tagging to prevent people absconding when they are ready to be removed’” (Bosworth 2008).

A 2008 Home Office press release quotes an immigration minister stating, “We now remove an immigration offender every eight minutes—but my target is to remove more, and remove them faster. ... Even though asylum claims are at a 14-year low, we are removing more failed asylum seekers every year. That means we need more detention space” (cited in Campaign to Close Campsfield 2011, p. 10).

By 2009, the UK had the capacity to confine some 3,000 people in immigration detention facilities, a ten-fold increase from the early 1990s. Approximately 26,000 people were detained under *Immigration Act* powers in 2010 (Silverman 2011a). While the number of people detained in the UK has increased significantly, the number of asylum seekers in the country has steadily decreased during 2002-2008 (Bosworth 2008).

With the increasing detention efforts have come growing concerns about the treatment of detainees. Observers have criticized the role of private security companies in managing detention centres, increasing instances of detention of ex-criminal foreigners after they have served their criminal sentences, the “detained fast-track” asylum processing system, and the practice of detention without time-limits. This criticism has prompted some reforms and increased transparency, including the adoption of the *Borders, Citizenship, and Immigration Act* of 2009—which sought to streamline immigration processes—and the official disavowal of child detention.

Despite the reforms, the issue of immigration detention remains highly contentious in the UK, with increasing numbers of suicides among detainees, continued detention of children, and a number of high profile demonstrations by detainees and their supporters, including a 2010 hunger strike among female detainees at the Yarl’s Wood Immigration Detention Centre (Laing 2010).

Detention Policy

The 1971 *Immigration Act* first introduced administrative detention for those denied entry to the country (Bacon 2005, p. 5). According to the act, immigration officers and officials in the Home Office have the authority to detain or grant

temporary admission to people through administrative discretion (*Immigration Act* 1971, § 4; Clayton 2008, pg. 539).

Removals, detention, and the UKBA. The **UK Border Agency** (UKBA) is responsible for removing all persons from the country who do not have the legal right to be there, including those who enter illegally, overstay their visas, breach their conditions of stay, are subject to a deportation action, or have been refused asylum (UKBA 2009c). Unauthorized immigrants can depart voluntarily, either independently or with the support of an assisted voluntary return programme, which had been overseen by the **International Organisation for Migration** until March 2011, when it was shifted to the independent charity **Refugee Action** (MRN 2011; Home Office 2008, p. 15).

Those who opt out of voluntary return can be issued a deportation order by the Home Secretary and be detained under the *Immigration Act* for examination or removal (UKBA 2009c).

Detention under *Immigration Act* powers is intended to be administrative and not punitive (BID 2010a, p. 8). According to the UKBA's Enforcement *Instructions and Guidance*, "Detention must be used sparingly, and for the shortest period necessary" (UKBA 2009b, chp. 55.1.3). Nevertheless, the United Kingdom is one of the few countries in Europe that has yet to impose limits on the length of time a person can spend in immigration detention (LDSG 2009, p. 11).

As the agency in charge of removals, UKBA is also the authority that has custody over immigration detainees. In 2007, the *UK Borders Act* expanded the detention role of the agency and introduced new grounds for detaining non-nationals (Bosworth 2008; Scottish Government 2009).

However, the UKBA's role in the detention estate has come under increasing criticism, with some officials arguing that the agency should be replaced. In July 2010, Anne Owers, the **Chief Inspector of Prisons**, argued that UKBA should be stripped of its detention functions, arguing that there was a conflict between forced removal of non-citizens and the appropriate treatment of detainees. Said Owers: "The job [of UKBA senior management] is removal, and detention is incidental to removal. So I don't think there is always an appreciation [of] what is happening on the ground about detention. So I float the idea of whether the process of looking after people who are in detention wouldn't be better separated from the perfectly proper role of UKBA as an organisation that has to enforce immigration controls. Immigration detention should not be the same as prison. When we are looking at prison, the role of the Prison Service is to try to hold people safely in detention—that is not the core role of the UK Border Agency" (Verkaik 2010).

Criminalisation. The *Immigration Act* lists a number of offences that are subject to criminal procedures and penalties, including several (under Section 24) that are related specifically to status-related violations. According to statistics provided by the UK Ministry of Justice, during the period 2004-2008, there were nearly 3,800 convictions for offences under the *Immigration Acts* (including cases in both the Crown Court and the Magistrates' Courts). Of these, only a few hundred involved status-related violations (Home Office 2007). Penalties under Section 24 include a fine of up to £5,000 or a six-month prison term (*Immigration Act* of 1971 s. 24 (1)).

In the 2010 update of its online legal guidance, the Crown Prosecution Service states that "In cases where the offence is trivial and action has or will be taken by the immigration authorities, the public interest may not be served by a prosecution." It also underscores the "need to balance questions of delay, remands in custody, and likely sentence against the gravity of the offence and any other compelling public interest consideration that may require a prosecution" (Crown Prosecution Service 2010).

Despite this guidance, the rate of prosecutions for *Immigration Act* violations during 2004-2008 was largely steady, with the annual number of annual prosecutions ranging anywhere from 1,000 to 1,400 (Home Office 2007).

Also, the *Asylum and Immigration Act* of 2004 introduced criminal penalties for non-citizens who do not cooperate with efforts to obtain travel documents necessary for removal procedures. According to one source in the UK, "UKBA have started charging, and certainly threatening to charge, detainees under Section 35 [of the act]. Our experience is that the numbers of 35 prosecutions are low, and anecdotal evidence suggests that only one police force (Kent) is prepared to proceed with such charges (Trude 2011).

In 2010, the Ministry of Justice and UKBA introduced a pilot policy on "simple cautions for foreign national offenders" that is aimed at "divert[ing] from prosecution foreign national offenders who commit specified offences relating to their immigration status and agree to be administratively removed from the UK." According to a policy statement about the pilot project, one of the aims of the policy is to "reduce the burden on the criminal justice system and UKBA from dealing with foreign national offenders who commit specified offences and are liable to be removed from the UK" (Ministry of

Justice 2010).

In a comment on the policy, **Bail for Immigration Detainees** (BID) raised a number of concerns about the “scheme,” which was initially introduced at Heathrow and Stanstead airports and targeted people using false documents. Stated BID: “We agree with the basic sentiment of diverting foreign nationals from prosecution and the prison estate for certain document fraud offences. For those that have no legal basis to remain here and as a result face administrative removal from the UK it appears sensible to remove a period of imprisonment, which comes with a financial cost to the state and a personal cost to the individual. However, this diversion scheme appears to involve a significant risk of bypassing due process” (BID 2011b).

Detention of children. In late 2010, the UK government announced that it was ending the controversial practice of detaining minors (Liberal Democrats 2010). As part of the change in policy, families with an irregular status are dealt with under a separate regime, which includes an Independent Family Returns Panel to advise the UKBA on handling families and children, as well as specialized case workers for families (UKBA 2011a).

Additionally, the government has explored a range of alternatives to the existing detention practices for families who “have no right to be in the UK” but “refuse to depart” and thus qualify for “ensured return” (UKBA 2011a). These alternatives include “open accommodation,” semi-secure “pre-departure accommodation,” and several pilot projects that seek to make use of existing accommodation schemes that house asylum seekers in the community (Hussain 2011; BBC 2010c). Observers have criticised some of these “alternatives” as amounting to detention (Parker 2011). (For more about the various facilities used for these cases, see “Detention Infrastructure” below.)

Despite the policy changes, the government continued (as of early 2011) to detain some minors in a refurbished section of the Tinsley House detention centre. This site serves as a “high security detention facility to accommodate families deemed too ‘disruptive’” for non-custodial pre-departure accommodations (Parker 2011).

While civil society has welcomed changes to the policy of detaining children, some actors have voiced concerns that these changes do not go far enough (McVeigh 2010). Not only did Home Office statistics continue to report low numbers of children being detained in IRCs in early 2011 (Parker 2011), but some of the alternatives touted by the Home Office appear to amount to detention in disguise (McVeigh 2010).

For instance, while the new semi-secure “family friendly” “pre-departure accommodation” facility to be opened in 2011 in Pease Pottage is to be operated in part by the children’s charity Barnardo’s, the firm responsible for security at this centre will be G4S, presently contracted to run three UK detention centres. Commented an observer at the Centre for Migration Policy Research, “If the Government has decided, as it appears to have done, that it cannot end the detention of children—or is unwilling to do so—then it should acknowledge that this is the case and be prepared to be challenged. ... To repackage detention as ‘pre-departure accommodation’ is disingenuous” (Crawley 2011).

In May 2011, two UK charities, Bail for Immigration Detainees and the **Children’s Society**, copublished a study on the detention of children titled **Last Resort or First Resort: Immigration Detention of Children in the UK**. The report, which was based on research undertaken in 2009, “found that in a considerable number of cases, families were detained when there was little risk of them absconding, their removal was not imminent, and they had not been given a meaningful opportunity to return voluntarily to their countries of origin. Indeed, in a large proportion of cases, there were barriers to families returning to their countries of origin during the time they were detained, which meant it was not possible, lawful or in the children’s best interests for the Home Office to forcibly remove them” (BID 2011a).

Detention of asylum seekers. Asylum seekers may be detained “pending examination, pending a decision whether to remove, and pending removal” (Clayton 2008, pg. 539). In addition, those asylum seekers who have passed through other European countries on their way to the United Kingdom may be detained awaiting return to their first country of entry in the European Union (EU), in accordance with the “Dublin II regulation,” which provides that asylum seekers must make their claims in the first country of entry in the EU (Human Rights Watch 2010, pg. 13).

In 1998, the UK government issued a white paper titled *Fairer, Faster and Firmer—A Modern Approach to Immigration and Asylum*, which sought to distinguish between the detention of unauthorized immigrants and asylum seekers. It stressed that temporary admission or release was the preferred measure for asylum applicants, and that detention should be used only as a last resort—after alternatives to detention have been considered (UKBA 2005).

However, as of 2008, asylum seekers accounted for 75 percent of the immigration detainee population, even as they

represented less than a quarter of the total number of people removed from the UK annually (Clayton 2008, pg. 537). Further, according to Bail for Immigration Detainees (BID), “42 percent of asylum seekers detained in the UK go on to be released, their detention having served no purpose other than wasting human lives and taxpayers’ money” (BID 2009, p. 6).

In 2007, the “New Asylum Model” (NAM) was introduced, which aims to process claims more efficiently by implementing preliminary interviews to direct cases through one of five possible asylum solicitation routes, including fast-track procedures (Clayton 2008, pg. 414). This program was part of a five-year plan initiated between 2005 and 2006 to increase the security of borders as well as efficiency in the asylum process (UN Commission on Human Rights 2010, p. 8). Under NAM, both the “non-detained tightly managed approach” and detained fast-track processing procedures were introduced (UK Home Office 2005, Appendix 2).

The UK Border Agency has stated that it aims to determine all asylum cases within six months (UKBA, “Asylum”), but evidence revealed that as of 2011 the NAM processed only 53 percent of claims during the initial six-months period (Detention Action 2011, p.4). According to the UKBA, greater efficiency will be achieved by “liaising with foreign governments to encourage them to accept back their own citizens; increasing surveillance at ports to reduce the number of illegal entrants; stepping up enforcement activity; and expanding secure accommodation for those awaiting removal” (UKBA 2008). Critics of this new policy claim that fast tracking the asylum assessment process leads to increased rates of asylum seeker rejections and subsequent deportations (London NoBorders 2009).

The “detained fast track” process has received a significant amount of criticism. There are two types of detained fast-track processing: Detained Fast Track (DFT) and Detained Non-Suspensive Appeals (DNSA) (UKBA, Detained fast-track ...). If, based on a preliminary interview, it is determined that a case may be decided “quickly,” the case may be routed through DFT (Human Rights Watch 2010, pg. 14); these cases are decided in three days with all appeals finalised within 21 days (BID 2009, p. 18).

Further, if a case is deemed to be “clearly unfounded,” which is to say “so clearly without substance that it is bound to fail,” it may be classified as DNSA, whereby the applicant has no right to appeal within the UK should their application be denied (UKBA, Detained fast-track..., 2. Introduction Section 94). DNSA cases are decided within 7 days (BID 2009, p. 18). Often cases are relegated to DNSA because the asylum seeker’s home country appears on a safe country of origin list and thus the Home Office considers it extremely unlikely that asylum will be granted (Human Rights Watch 2010, pg. 14).

As of May 2011, the safe country list included Albania, Bolivia, Bosnia Herzegovina, Brazil, Ecuador, India, Jamaica, Macedonia, Mauritius, Moldova, Mongolia, Montenegro, Peru, Serbia, **South Africa**, **Ukraine**, Ghana (men only), Gambia (men only), **Kenya** (men only), Kosovo, Liberia (men only), Malawi (men only), Mali (men only), Nigeria (men only), Sierra Leone (men only), and **South Korea** (UKBA, *Certification under section 94...*).

UNHCR has stated that “inappropriate cases are being routed to and remaining within the detained fast track” (BID 2009, p. 20). London-based Detention Action similarly stated that “vulnerable individuals and people with complex cases are often routed onto the Detained Fast Track” and observed that the highest represented country of origin among Detained Fast Track asylum seekers in 2009 was Afghanistan (23 percent of detainees) (Detention Action 2011 (p. 31).

In its 2011 publication “Fast Track to Despair,” Detention Action reported that 99 percent of asylum seekers processed through Detained Fast Track are refused asylum (Detention Action 2011, p. 4). This compares to an overall refusal rate in the UK system of 72 percent (Detention Action 2011, p. 12). Additionally, “while 22 days are allocated for the process to be completed, in reality, asylum seekers on the Detained Fast Track usually spend substantially longer in detention” (Detention Action 2011, p. 24).

A study by BID found that one third of all fast-track detainees were still detained sixty days after their appeal hearing (Clayton 2008, pg. 421). Detention Action notes that in the period 2009-2010 at the Harmondsworth IRC, which confines male Detained Fast Track asylum seekers, the average overall stay for unsuccessful cases was 58 days for DFT cases and 54 days for DNSA cases (Detention Action 2011, p. 24).

Judicial review and bail. As there is no direct or automatic judicial oversight of the detention process, detainees must actively challenge the lawfulness of their detention through “judicial review and habeas corpus” (European Migration Network 2010 p. 10). BID has found that 77 percent of fast-track detainees did not have access to publicly funded legal representation at their appeal hearing, and that they did not have sufficient time to prepare and may not understand the process (Clayton 2008, pg. 421). Limited availability of legal aid and funds combined with movement between detention

centres can make high quality legal advice nearly inaccessible for many detainees (BID 2009, p. 39). Detention Action notes that this legal advice can be crucial, as “14 percent of appeals were allowed where the asylum-seeker was represented, as opposed to 2 percent where they were unrepresented” (Detention Action 2011, p. 29).

However, all detainees have the right to apply for bail to the Asylum and Immigration Tribunal (AIT); release rates, though, are low, particularly for detainees with criminal convictions (LDSG 2009, p. 10). BID quotes the former president of the Asylum and Immigration Tribunal, who noted: “We have argued for a long time that the whole bail system within the immigration and asylum world needs a proper rethink.” (BID 2010a, pg. 4).

Applications for bail are directed to the Home Office (BID 2010a, pg. 12) and represent the only direct way that detainees can challenge their detention. The process is intended to allow detainees access to an independent judge with the power to overrule a detention order. In theory, this judge is required to presume in favour of defence, and the Home Office is required to justify the detention (LDSG 2009, p. 24).

A number of concerns have been raised about the UK bail process, including the lack of information about the system provided to detainees and limited access to professional legal assistance (BID 2010a). Detainees interviewed by the LDSG universally noted that they felt the bail courts to be “hostile” and that “their refusal was decided in advance” (LDSG 2009, p. 25). Concerns have also been raised over the introduction in 2008 of the use of video link in bail hearings, allowing detainees to remain at the detention centre and attend their hearing remotely (BID 2005a). A study by the civil society group [Campaign to Close Campsfield](#) revealed that in 114 bail hearings observed, 35 detainees were present in person, 73 appeared by video link, and 6 were not present at all (Campaign to Close Campsfield 2011, p. 23). The organization noted in the same report that “the video-link process presents both technical and human difficulties” (Campaign to Close Campsfield 2011, p. 35).

Length of detention. While there is supposed to be an absolute time limit of seven consecutive days for people detained in immigration offices at ports of entry, Short-term Holding Facilities (STHFs), police stations, or mobile detention facility vehicles (UKBA 2009c), there is no limit on the duration of detention in Immigration Removal Centres. The United Kingdom is “one of few western democracies which does not place a statutory limit on the length of time that at least certain categories of people may be detained for immigration reasons” (Clayton 2008, pg. 543).

The country opted out of the EU Return Directive, which includes an absolute maximum of 18 months for immigration detention.

A number of official bodies—including the European Parliament, in its 2007 report on the conditions in centres for third country nationals in the 25 EU member states, and the Commissioner for Human Rights of the Council of Europe, in his 2008 visit to the UK and subsequent report—have raised concerns about the UK’s practice of detention without time limits and recommended that the country introduce a limit (European Parliament 2007; BBC News 2008). In his report on his June 2009 mission to the UK, the UN [Special Rapporteur on the human rights of migrants](#) recommended that the UK “take all necessary steps to prevent cases of de facto indefinite detention” (U.N. Human Rights Council 2010, p. 19).

According to Home Office statistics, about 50 percent of detainees are held for under two months, a large percentage for two to six months, and a “small consistent minority” of just under 10 percent for over one year (Silverman 2011a). A study by the [London Detainee Support Group](#) (LDSG) found that in only 18 percent of cases it observed did detention lead to deportation during the course of a 20-month study, with 57 percent of the survey group remaining in detention and 25 percent being released. Those who were deported spent an average of two years and two months in detention (LDSG 2009, p. 12).

Non-deportable detainees and indefinite detention. Detainees may remain in detention because removal to their home country is impossible due to risk of *refoulement*. Detainees with countries of origin such as Iraq and Somalia may only be returned to certain areas in their homeland, and are often reluctant to accept voluntary return given the significant safety concerns. Many of these detainees remain in detention indefinitely (LDSG 2009, p. 12).

Some detainees face problems with documentation because their embassies are slow in returning documentation or demand evidence of documents such as birth certificates, which detainees may not have access to. The LDSG notes that these difficulties render these detainees effectively “stateless,” and although they may be willing to accept voluntary return it is impossible for them to do so (LDSG 2009, p. 13). The [Equal Rights Trust](#) notes that “the practical inability to return to a country of origin has no effect on the individual’s immigration status in the UK” (The Equal Rights Trust 2010, pg. 115).

Health concerns. Research has demonstrated that people placed in UK immigration-related detention often suffer serious mental health deterioration, including increased post-traumatic stress disorder and depression (LDSG 2009; **Medical Justice** 2010). For example, a study conducted by the LDSG revealed significant numbers of indefinite detainees developing mental health problems, self-harming, or attempting suicide (LDSG 2009, p. 5). In 2009, “215 immigration detainees needed treatment for self-inflicted injuries” (The Equal Rights Trust 2010, pg. 117).

BID has noted a significant increase in suicides among immigration detainees. Whereas in the 14-year period 1989-2003 there were four self-inflicted deaths in custody, in the two-year period 2003-2005 there were seven (BID 2005b).

Detainees interviewed by **BID** reported that “the only health care on offer is painkillers”; one detainee noted “the difficulty ... is getting a doctor to attend to your concerns, because most times you complain about something you’re only given paracetamol anyway” (BID 2009, p. 36).

Discontent amongst inmates has also been displayed through riots and protests in detention centres. These protests have focused on issues such as limited access to legal advice and medical care (Clayton 2008, pg. 538).

Children appear to suffer severe psychological and physical harm while confined in the UK detention estate. A 2010 report by the UK charity **Medical Justice** found that of 141 children studied during the period 2004-2010, “74 children were reported to have been psychologically harmed as a result of being detained. Symptoms included bed wetting and loss of bowel control, heightened anxiety, food refusal, withdrawal and disinterest, and persistent crying. 34 children exhibited signs of developmental regression, and six children expressed suicidal ideation either whilst or after they were detained. Three girls attempted to end their own lives. ... 92 children were reported to have physical health problems which were either exacerbated, or caused by immigration detention. These problems included fever, vomiting, abdominal pains, diarrhoea, musculoskeletal pain, coughing up blood, and injuries as a result of violence” (**Medical Justice** 2010, p. 5).

Scholars have also noted the negative psychological impact resulting from the UK practice of shifting detainees between removal centres. Discussing this practice, one scholar writes that an important “source of forced mobility associated with Removal Centres is the transfer of detainees from one Removal Centre to another for a variety of reasons, from the practical constraints imposed by the capacities of various centres, to differences in the conditions of centres themselves, which are used to form a reward and sanction mechanism among the detainee population. Intra-detention estate transfers have increased in scope and significance in recent years: in 2004/5, the most recent financial year for which figures are available, the British government spent over £6.5 million simply moving detainees from one secure facility to another within the UK” (Gill 2009).

He adds that the “psychological stress that movement of asylum seekers can cause is significant. Within detention, according to a series of government reports into the conditions of removal centres, one of the recurring difficulties facing incarcerated asylum seekers is incomprehension of their legal status. This, coupled with very short warning of impending movements, results in widespread anxiety among detained asylum seekers that they may be deported or transferred imminently” (Gill 2009).

Criminal aliens. In 2006, the Home Office introduced “a new policy of a presumption of detention ... for people due to be deported after serving prison sentences. As a result, detention was no longer used primarily for people about to be removed; instead, the priority became to detain ex-offenders, even where intractable obstacles to removal existed” (LDSG 2009, p. 6).

According to an expert at Oxford University, “As of 1 August 2008, with the introduction of the *UK Borders Act 2007*, all FNPs [foreign national prisoners] who have been sentenced to a period of imprisonment of 12 months or more are subject to automatic deportation from the UK unless they fall within one of the Act’s six exceptions. Prior to removal, FNPs who do not qualify for the exceptions remain in prison under immigration powers and are not counted in official detention estate statistics. An answer to a parliamentary question in October 2010 revealed that, for an average month in 2009, approximately 550 FNPs were detained in prison beyond the end of their custodial sentence while deportation was pursued” (Silverman 2011). This policy may have contributed to an emerging public perception that the greater number of immigration detainees are criminals. Additionally, while the policy “offers inducements for some [foreign prisoners] to return home voluntarily,” those not offered voluntary return are to be “automatically ... considered for deportation, while those serving sentences of twelve months or more are now subject to mandatory detention” (Bosworth 2008).

The UKBA claims that these detention measures are designed to protect the public against re-offences and absconding.

The LDSG, however, argues that ex-offenders—in addition to losing their status in the UK and being detained under immigration law for periods that go far beyond their original criminal sentences—are denied “meaningful dialogue” with the UKBA and are frequently embroiled in complicated processes that have little bearing on the resolution of their cases (LDSG, p. 30-31). These detainees may continue to be held in prisons after finishing their custodial sentences if there is no room for them in an immigration detention centre (BID 2009 p. 14). Under the 2009 *Borders, Citizenship and Immigration Act*, those people detained solely for immigration violations may be detained alongside criminal detainees.

Privatisation. The very first UK immigration detention centres, opened in the in the 1970s, were run by the private sector. This decision was made with the view to ensure that non-prisoners would not be subject to the oppressive treatment criminals faced under the guard of prison or police officers (George and Button 2001 in Bacon 2005; see also Flynn and Cannon 2009). Today, seven of the country’s 11 long-term immigration detention centres are managed by one of four private contractors: G4S, Serco, Mitie PLC, or GEO Group. The three remaining facilities are operated by HM Prison Service (UKBA 2009a).

A 2005 study published by the University of Oxford Refugee Studies Centre reported that these companies also operated prisons in other countries and were persistent lobbyists in the arena of detention policy (Bacon 2005, p. 16). Private contractors are provided with a fee per inmate per day, rendering immigration detention a lucrative business (Bacon 2005, p. 16). According to the Refugee Studies Centre, “The growth of the detention regime is not based solely on ever-restrictive asylum laws and policies. Its growth can also be attributed to the involvement [of] private contractors, whose logic of response to asylum seekers has very little to do with the logic of the government’s response, concerned as they are with winning and maintaining contracts and keeping their facilities full” (Bacon 2005, p. 2).

In 2005, the UK Border Agency issued the *Detention Services Operating Standards Manual for Immigration Service Removal Centres* in an effort to improve the performance of private contractors and bring them into compliance with UK policy. The standards, which build on the Detention Centre Rules, include details on the provision of legal services, accommodation, activities for detainees, admission and discharge protocol, the detention of female detainees, the provision of health care and a number of other areas of concern for detainees (UKBA 2005). In accordance with the *Prisons Act* 1952 and the *Immigration and Asylum Act* of 1999, each IRC must be monitored by an Independent Board. These boards are composed of volunteers and draw from the communities in which the detention centres are located. (IMB 2010). The centres are also monitored by HM Inspector of Prisons (HMIP).

Despite the standards, the performance of privately-run immigration detention centres has continued to be the subject of intense criticism, including from official bodies. In 2010, the HMIP released a report on an announced visit to Brook House, the UK’s largest detention facility, which is run by G4S. The report was scathing in its criticism of the facility, reporting:

“Brook House immigration removal centre at Gatwick airport opened in March 2009. It is run by G4S and holds around 400 male detainees. New custodial establishments frequently experience early difficulties as staff and detainees get used to their new surroundings and each other. However, by the time of this first full announced inspection, a year after the centre opened, managers could be expected to have resolved teething problems. Instead, we were disturbed to find one of the least safe immigration detention facilities we have inspected, with deeply frustrated detainees and demoralised staff, some of whom lacked the necessary confidence to manage those in their care. At the time of the inspection, Brook House was an unsafe place. Our surveys, interviews and observations all evidenced a degree of despair amongst detainees about safety at Brook House which we have rarely encountered. Bullying and violence were serious problems and—unusually for the immigration detention estate—drugs were a serious problem. Many detainees were ex-prisoners and a number compared their experience in Brook House negatively to that in prison” (HMIP 2010).

There have been numerous official and media reports regarding assaults and beatings of detainees by private security guards during the detention and removal process. In 2008, a coalition of NGOs detailed some 300 cases of alleged assaults that took place during 2004-2008. The allegations came from people from more than 41 countries, with the majority being made by African migrants. The report raised concerns about the complaints procedure within the centres, stating that the current procedure was largely ineffective (Birnberg Peirce & Partners et al. 2008).

The death of an Angolan deportee Jimmy Mubenga in October 2010 led to rumours that Scotland Yard was considering filing corporate manslaughter charges against G4S, the security firm that currently directs three of the IRCs. Mubenga died while being deported and after being restrained by G4S guards, leading to allegations of “excessive force” (Coles et al. 2010). Three guards were initially arrested for the death on manslaughter charges but were later released on bail (Taylor 2011).

The UK government has tried to use the privately-operated nature of facilities as a shield to protect itself from liability in cases concerning alleged unlawful detentions at such facilities. In the 2005 case *ID and others v The Home Office*, “The Home Office sought to argue that although an immigration officer (and the Home Office which has vicarious liability) had authorised the detentions of the D family it was not liable for false imprisonment for the detention as the physical detainer was a private contractor. The Court of Appeal ... dealt with this matter quickly. It concluded that the detentions were caused by the immigration officers who authorised them and, although this authority protected the private contractor which detained, it did not protect the immigration officer if the giving of his/her authority was an unlawful act” (Scott & Wistrich 2005).

[Importantly, the Court of Appeal also found in this case “that foreign nationals did not fall into a special category, emphasising the particular importance that the law attached to the liberty of the person and that it was beyond doubt that the rule of law extended not simply to British nationals but also to immigrants subject to administrative detention” (see Bhatt Murphy Solicitors, “Timeline—Immigration Detention”).]

Detention Infrastructure

As of mid-2011, the **Global Detention Project** (GDP) had identified 15 facilities in the UK that met the GDP's criteria for being categorized as immigration-related detention sites: 11 long-term facilities called Immigration Removal Centres; three “residential” Short-Term Holding Facilities that can be used to confine people for up to seven days; and one semi-secure “pre-departure” facility for families (AVID 2011). (*For a complete list of Detention Facilities please see 'List of Detention Sites'*).

The UK administrative immigration detention estate has grown considerably in recent decades. In 1993, it had a total capacity of 250 (Bacon 2005, p. 2). By 2003, it was operating seven immigration removal centres with an estimated total capacity of 1,600 (HM Inspectorate of Prison, "**Immigration Removal Centre Inspections**"). And by 2011, the estate had grown to 15 facilities with a total estimated capacity of 3,500 (AVID 2011).

The UK government also uses prisons to administratively detain non-citizens who have completed criminal sentences and are awaiting deportation. However, at the time of this publication, the GDP did not have information on whether or to what degree any prisons were being used regularly for immigration-related purposes. According to the UK charity **Association of Visitors to Immigration Detainees**, "As of July 2010 there were 581 held in prisons [amounting] to an additional 18-20% of the immigration detention population" (AVID 2011).

Non-citizens can also be held at immigration offices at ports of entry; control zones authorized in the Immigration Act 1971; premises of legal appeal; any police station or hospital; young offender institutions; prison or remand centres; or any vehicle that has been specifically designed or adapted for use as a mobile detention facility and approved by the secretary of state for such use (Immigration Direction 2009).

Immigration Removal Centres (IRCs). As of June 2011, the United Kingdom maintained 11 IRCs, with a total capacity of 3,341 places (AVID 2011). These included: **Brook House IRC** (London Gatwick Airport, Gatwick); **Campsfield House IRC** (Kidlington, Oxon); **Colnbrook IRC** (Harmondsworth, West Drayton, Middlesex); **Dover IRC** (Western Heights, Dover, Kent); **Dungavel IRC** (Strathaven, South Lanarkshire); **Harmondsworth IRC** (Harmondsworth, West Drayton); **Haslar IRC** (Gosport, Hampshire); **Lindholme IRC** (Hatfield Woodhouse, Nr Doncaster, South Yorkshire); **Morton Hall IRC** (Lincolnshire); **Tinsley House IRC** (Gatwick Airport, Gatwick); and **Yarl's Wood IRC** (Clapham, Bedfordshire) (AVID 2011).

Observers estimate that detention costs an average of £130 per detainee per day at these facilities (BID 2009 p. 25), compared to an estimated cost of £150 per week to support an asylum seeker in the community (BID 2009 p. 25; Detention Action 2011 p. 24).

Seven of these centres—Brook House, Campsfield, Colnbrook, Dungavel, Harmondsworth, Tinsley, and Yarl's Wood—are managed by one of four private contractors: G4S, Serco, Mitie PLC or GEO Group. The four remaining facilities—Dover, Haslar, Lindholme and Morton Hall—are operated by HM Prison Service (AVID 2011). Detainees at the IRCs are in the custody of the UK Border Agency.

Plans to construct an additional IRC with a capacity of 800 have been put on hold indefinitely (BBC 2010a).

Short-Term Holding Facilities. There are 36 short-term hold facilities (STHFs) throughout the United Kingdom, many of them located in or near airports or other points of transit (HM Inspectorate of Prisons, 2011). These STHFs are designed to facilitate further questioning of incoming passengers denied immediate entry into the country. Most of these centres are non-residential, and the typical stay is under 12 hours. There are, however, three “residential” STHFs in which people can be held for up to seven days.

There have been numerous complaints about conditions at STHFs, including lack of natural light, lighting that cannot be turned off, poor ventilation, uncomfortable seating arrangements, and inadequate sleeping or washing facilities (HM Inspectorate of Prisons 2011).

The two residential STHFs are designed to house people for up to five days, with the possibility of extension to seven days. The residential STHFs are: **Colnbrook STHF** (Harmondsworth, West Drayton, Middlesex) and **Pennine House STHF** (Terminal 2, Manchester Airport, Manchester)(AVID 2011, HM Inspectorate of Prisons 2011, Appendix I pp. 29-30; Corporate Watch 2005). An additional residential STHF, **Larne STHF**, was due to open in Northern Ireland in the summer of 2011 (AVID 2011).

Prisons and police stations. In addition to these dedicated facilities are the various prisons and police stations in the United Kingdom that can be used for immigration detention purposes. Immigration detainees may be held in police stations for up to seven days (UKBA 2009c).

Also, non-citizens who have completed criminal sentences can remain confined in prisons pending deportation for a number of reasons, including when there is no space for them in dedicated immigration detention facilities (BID 2009 p. 14). At the end of 2008 the Home Office counted 526 immigration detainees that had completed their prison sentence but continued to be held in prisons (LDSG 2009 p. 7); The Association of Visitors to Immigration Detainees (AVID) recorded similar numbers for 2010, noting that as of June 2010 581 foreign national prisoners were “held post sentence in mainstream prisons”. The group notes that this “amounts to an additional 18-20% of the immigration detention population” (AVID 2011).

According to scholars in the UK, researching this aspect of immigration detention is hampered by a lack of data provided by government agencies (Silverman 2011b). Thus, it can be difficult to ascertain which prison facilities may be used routinely for immigration-related detention. However, according to one scholar, the prison service “has preferred to group its foreign national prisoners in a few establishments, rather than spread them out evenly across the entire penal estate” (Bosworth 2008).

“Accommodation” for children and families. The Immigration Removal Centres (IRCs) were previously equipped to house families. However, after legislative changes in 2010 officially ended the detention of children, families in irregular situations have been channelled to what the UK government deems non-custodial accommodations (see “Detention of children” above). As part of this new policy, the government has explored a range of “alternative” forms of accommodation for families who qualify for “ensured return” (UKBA 2011a). These alternatives include “open accommodation”, semi-secure “pre-departure accommodation” and several pilot projects that seek to make use of existing accommodation schemes which house asylum seekers in the community (Hussain 2011; BBC 2010c).

According to the Home Office, the “open accommodation” facility, located at Thornton Wood, constitutes a “non-detained residence where families will be free to come and go as they please. ... Families will not be prevented from leaving ... but we will know whether they remain in residence.” This monitoring will be assured by asking families to register as they exit or enter the facility, and requesting that they sign-in daily. The movements of individuals will not be monitored but the centre will be aware if a family is absent (UKBA 2010, p. 5).

One of the more controversial “alternatives” has been the opening of a “family friendly” “pre-departure accommodation” centre in Pease Pottage. According to the Home Office, families are detained only as a last resort at the Pease Pottage Pre-Departure Accommodation Centre, located in the village of Pease Pottage near Gatwick Airport (UKBA 2011; Parker 2011).

According to information reviewed by the **Global Detention Project** (GDP), this facility will apparently operate as a semi-secure site—that is, in a setting that provides at least a modicum of freedom of movement for a certain residents. According to one media report, the centre, which is housed in a former “special needs school,” will have a “2.3m perimeter

fence, floodlighting, CCTV, internal and external room locks, and a new internal fenced ‘buffer [area] ... to prevent the opportunity for people with access to the boundary fence from having contact with the occupants’” (Parker 2011). However, according to the Home Office, “Family members, including children, may be allowed to leave the pre-departure accommodation following a risk assessment and with suitable supervision” (UKBA 2011b). A BBC report stated that “adults will live [at Pease Pottage] securely and possibly be prevented from leaving. But their children will be able to go out ... accompanied by a minder” (BBC 2010b).

The facility, which was scheduled to begin operations in mid-2011, will be partly privatized. In a planning document, the UKBA stated that the facility “will be part-operated by a well known national children’s charity [Barnardo’s], who are already working with the UKBA in relation to its design and way it will function’” (cited in Parker 2011).

Pease Pottage is to be a residential short-term facility. The Home Office reports, “Only a small number of families will be held in pre-departure accommodation. Stays will normally be limited to 72 hours—and never more than 1 week—and Barnardo’s will provide support services and help the family prepare for their return during that time” (UKBA 2011b).

Also controversial vis-à-vis the detention of children is the refurbishment of IRC Tinsley House to serve as a “high security detention facility to accommodate families deemed too ‘disruptive’” for a pre-departure accommodation such as Pease Pottage (Parker 2011).

Facts and Figures

According to Global Detention Project estimates, as of mid-2011, the UK had an operational detention infrastructure of 15 facilities: 11 long-term facilities called Immigration Removal Centres; three “residential” Short-Term Holding Facilities that can be used to confine people for up to seven days; and one semi-secure “pre-departure” facility for families.

Of the more than one hundred million people who arrived at UK ports of entry in 2010, 18,940 were refused entry (Home Office 2010, p. 16). Some 25,000 people were placed in detention in 2010 under *Immigration Act* powers. Of these, 16,500 were confined in IRCs and 9,440 were held in STHFs. Roughly half of all detainees—12,575—were people who had claimed asylum at some point in their immigration status proceedings (Home Office 2010, p. 27).

As of 31 December 2010, 2,480 people were being held in immigration detention centres and an additional 45 people were being detained at short-term holding facilities. Of the 2,525 people detained in official immigration sites at the end of 2010, 770 had been in detention for less than 29 days; 555 for between 29 days and two months; 460 for between two and four months; 220 for between four and six months; 265 for between six months and a year; and the remaining 255 for over a year (Home Office 2010, p. 28)

Also, 1,610 persons who had sought asylum at some stage were being detained solely under *Immigration Act* powers as of 31 December 2010, representing 64 percent of all immigration detainees; 90 percent of this population was male (Home Office 2010, p. 28).

While 405 children entered detention in 2010, there were no children or families officially detained under *Immigration Act* powers by the end of 2010 (Home Office 2010, p. 28). Despite this change, Home Office statistics show that six children were detained in March of 2011, primarily in a specific wing of the Tinsley House IRC (End Child Detention Now 2011).

More than 500 immigration detainees who had completed prison sentences were recorded as being held in administrative detention in prisons on 1 December 2008 (Home Office in LDSG 2009).

In 2010, 57,085 persons were removed or departed voluntarily from the UK, the lowest number since 2005 (Home Office 2010). Of these, 18,060 persons were initially refused entry at port; 20,020 were “enforced removals and notified voluntary departures”; 4,540 persons took part in Assisted Voluntary Return programmes; and 14,470 were removed as part of other voluntary departure schemes (Home Office 2010, p. 24)).

In 2010 a total of 16,565 people were removed from the country after being detained under *Immigration Act* powers. Some 40 percent of this 16,565 were asylum seekers; 180 were children. Roughly two-thirds, or 10,900, were removed directly from a UK Border Agency Removal Centre; the remaining 5,665 were removed from a UK Border Agency Short-Term Holding Facility (Home Office 2010, p. 28 - 29).

The number of asylum applicants to the UK, excluding dependents, decreased 27 percent in 2010 (to 17, 790) compared to the year before, making the number of asylum applicants in 2010 the lowest since a peak in 2002 of 84,130 (Home Office 2010, p. 18).

Just over 20,000 initial asylum decisions were made during 2010, excluding dependants, a decrease of 15 percent compared to 2009; 75 percent of initial decisions in 2010 were refusals; of the remaining 25 percent, 17 percent were granted asylum and 8 percent were granted Humanitarian Protection (HP) or Discretionary Leave (DL) (Home Office 2010, p. 19). In addition, 9,850 asylum seekers were removed or departed voluntarily from the UK in 2008, 15 percent fewer than in 2009 (Home Office 2010, p. 26).

** The Global Detention Project would like to thank Stephanie Silverman (Oxford University) for providing comments on an early version of this profile.*

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United Kingdom Detention Profile

List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Detention Timeframe	Security	Authority	Management	Capacity	Reported Population on a Single Day	Demographics & Segregation
Brook House Immigration Removal Centre	In use (2011)	London Gatwick Airport, Gatwick	Migrant detention centre	Long-Term	Secure	Home Office, UK Border Agency	G4S (2011)	426 (2011)	395 (31 March 2011)	Adult males only (2011)
Campsfield House Immigration Removal Centre	In use (2011)	Kidlington, Oxfordshire	Migrant detention centre	Long-Term	Secure	Home Office, UK Border Agency	Mitie PLC (2011)	216 (2011)	215 (31 March 2011)	Adult males only (2011)
Colnbrook Immigration Removal Centre	In use (2011)	Harmondsworth, West Drayton, Middlesex	Migrant detention centre	Long-Term	Secure	Home Office, UK Border Agency	Serco Ltd. (2011)	308 (2011)	280 (31 March 2011)	Adult males and females. Gender segregation (2011)
Colnbrook Residential Short-Term Holding Facility	In use (2011)	Harmondsworth, West Drayton, Middlesex	Migrant detention centre	Medium-Term	Secure	Home Office, UK Border Agency	Serco Ltd. (2011)	80 (2011)	65 (31 March 2011)	Adult males and females. Gender segregation (2010)
Dover Immigration Removal Centre	In use (2011)	Western Heights, Dover, Kent	Migrant detention centre	Long-Term	Secure	Home Office, UK Border Agency	HM Prison Service (2011)	314 (2011)	270 (31 March 2011)	Adult males only (2011)
Dungavel House Immigration Removal Centre	In use (2011)	Strathaven, South Lanarkshire	Migrant detention centre	Long-Term	Secure	Home Office, UK Border Agency	G4S (2011) (in Sept. 2011 shifts to Geo Group Ltd.)	219 (2011)	185 (31 March 2011)	Adult males and females. Gender segregation (2011)
Harmondsworth Immigration Removal Centre	In use (2011)	Harmondsworth, West Drayton	Migrant detention centre	Long-Term	Secure	Home Office, UK Border Agency	The Geo Group Ltd. (2011)	623 (2011)	585 (31 March 2011)	Adult males only (2011)
Harwich International Port Residential Short-Term Holding Facility	Closed (2010)	Harwich International Port, Parkeston, Harwich, Essex	Migrant detention centre	Medium-Term	Secure	Home Office, UK Border Agency	TaylorMade Security (2008)	6 (2008)		Adult males and females. Gender segregation (2008)
Haslar Immigration Removal Centre	In use (2011)	Gosport, Hampshire	Migrant detention centre	Long-Term	Secure	Home Office, UK Border Agency	HM Prison Service (2011)	160 (2011)	150 (31 March 2011)	Adult males only (2011)
Larne Residential Short-Term Holding Facility	In use (2011)	Larne, Northern Ireland	Migrant detention centre	Medium-Term	Secure	Home Office, UK Border Agency	Reliance (2011)	22 (2011)		Adult males and females. Gender segregation (2011)
Lindholme Immigration Removal Centre	In use (2011)	Hatfield Woodhouse, Nr Doncaster, South Yorkshire	Migrant detention centre	Long-Term	Secure	Home Office, UK Border Agency	HM Prison Service (2010)	124 (2011)	115 (31 March 2011)	Adult males only (2011)
Morton Hall Immigration Removal Centre	In use (2011)	Lincolnshire	Migrant detention centre	Long-Term	Secure	Home Office, UK Border Agency	HM Prison Service (2011)	392 (2011)		Adult males only (2011)
Oakington Immigration Removal Centre (Oakington Reception Centre)	Closed (2010)	Longstanton, Cambridgeshire	Migrant detention centre	Long-Term	Secure	Home Office, UK Border Agency	G4S (2010)	408 (2010)	385 (August 2010)	Adult males only (2010)
Pease Pottage Pre-departure accommodation	In use (2011)	Pease Pottage, Crawley, West Sussex	Migrant detention centre	Medium-Term	Semi-Secure	Home Office, UK Border Agency	G4S and Bernardo's	44 (2011)		Families and minors only (2011)
Pennine House Residential Short-Term Holding Facility	In use (2011)	Manchester Airport, Manchester	Migrant detention centre	Medium-Term	Secure	Home Office, UK Border Agency	Reliance (2011)	32 (2011)	30 (31 March 2011)	Adult males and females. Gender segregation (2011)
Port of Dover Residential Short-Term Holding Facility	Closed (2010)	Port of Dover, Dover	Migrant detention centre	Medium-Term	Secure	Home Office, UK Border Agency	G4S (2009)	56 (2009)	15 (4 August 2009)	Adult males and females; children. Gender segregation (2009)
Tinsley House Immigration Removal Centre	In use (2011)	Gatwick Airport, Gatwick, West Sussex	Migrant detention centre	Long-Term	Secure	Home Office, UK Border Agency	G4S (2011)	154 (2011)	100 (31 March 2011)	Adult males and families. Gender segregation; family units (2011)
Yarl's Wood Immigration Removal Centre	In use (2011)	Glapham, Bedfordshire	Migrant detention centre	Long-Term	Secure	Home Office, UK Border Agency	Serco Ltd. (2011)	405 (2011)	260 (31 March 2011)	Adult females and families (over 18) (2011)

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(This is only a partial list. More detailed information is available upon request.)

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United Kingdom Detention Profile

Map of "In Use" Detention Sites

For more detailed information, see the complete [List of Detention Sites](#).

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Country View

1. Brook House Immigration Removal Centre (IRC)
2. Campsfield House Immigration Removal Centre (IRC)
3. Colnbrook Immigration Removal Centre (IRC)
4. Colnbrook Residential Short Term Holding Facility (STHF)
5. Dover Immigration Removal Centre (IRC)
6. Dungavel House Immigration Removal Centre (IRC)
7. Harmondsworth Immigration Removal Centre (IRC)
8. Haslar Immigration Removal Centre (IRC)
9. Larne Residential Short-Term Holding Facility (STHF)
10. Lindlholme Immigration Removal Centre (IRC)
11. Morton Hall Immigration Removal Centre (IRC)
12. Pease Pottage pre-departure accomodation
13. Pennine House Residential Short-Term Holding Facility (STHF)
14. Tinsley House Immigration Removal Centre (IRC)
15. Yarl's Wood Immigration Removal Centre (IRC)

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- » [International Organizations](#)
- » [NGOs and Research Institutions](#)
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Government Agencies

UK Border Agency

<http://www.ukba.homeoffice.gov.uk>

U.K. Home Office

<http://www.homeoffice.gov.uk>

HM Inspectorate of Prisons

<http://www.justice.gov.uk/inspectorates/hmi-prisons/>

Independent Monitoring Boards

<http://www.justice.gov.uk/about/imb.htm>

International Organizations

International Labour Organization: Office for the United Kingdom and Ireland

http://www.ilo.org/public/english/region/eurpro/london_r/index.htm

International Organization for Migration - UK Country Information

<http://www.iom.int/jahia/Jahia/pid/1380>

International Organization for Migration - UK

<http://www.iomlondon.org>

UNHCR - UK

<http://www.unhcr.org.uk>

European Migration Network

<http://emn.intrasoft-intl.com/html/index.html>

NGOs and Research Institutions

Amenesty International - UK

www.amnesty.org.uk

Association of Visitors to Immigration Detainees

<http://www.aviddentention.org.uk>

Asylum Welcome

www.asylum-welcome.supanet.com

Bail for Immigration Detainees
www.biduk.org

British Refugee Council
www.refugeecouncil.org.uk

Campaign to Close Campsfield
<http://www.closecampsfield.org.uk/>

Corporate Watch
<http://corporatewatch.org.uk>

Detention Action
<http://www.detentionaction.org.uk/files/modules/content/?id=1>

The Equal Rights Trust
<http://www.equalrightstrust.org/>

Gatwick Detainees Welfare Group
www.gdwg.org.uk

Immigration Advisory Service
www.iasuk.org

Immigrant Law Practitioner's Association
<http://www.ilpa.org.uk/>

Jesuit Refugee Service - UK
www.jrsuk.net

London Detainee Support Group
<http://www.detainedlives.org>

Medical Justice and the National Coalition of Anti-Deportation Campaigns
<http://www.medicaljustice.org.uk>

The Migration Observatory at the University of Oxford
<http://www.migrationobservatory.ox.ac.uk/>

National Coalition of Anti-Deportation Campaigns
<http://www.ndac.org.uk>

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