



Home Office breached woman's human rights in Yarl's Wood 'punishment room'

Kenyan asylum seeker wins high court case after being placed in segregation for 28 hours in immigration removal centre



Diane Taylor

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A Kenyan asylum seeker has won a landmark court victory after the Home Office was found to have acted unlawfully and in breach of her human rights by locking her up in segregation in a so-called “punishment room” for too long while she was in detention.

It is the first time that the Home Office’s policy of placing some immigration detainees in segregation has been challenged. Several thousand of the 30,000 people detained every year are placed in segregation, according to data gathered by the charity Medical Justice in its report about segregation, [A secret punishment \(pdf\)](#). Many of those held in immigration removal centres have committed no crime.

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Segregation is permitted in immigration detention in certain circumstances but after the first 24 hours of locking someone in a cell on their own, the home secretary has to authorise any further period of being held in isolation. In the case of the woman who brought Thursday’s challenge no such authorisation was sought despite the fact she was held for a total of 28 hours. For this reason Mr Justice Holman, who heard

the case, found that she had been held unlawfully.

The woman, who is claiming asylum on the basis of her sexuality, was in court for the ruling and welcomed the judge’s findings. She was held in segregation twice last year while detained in Yarl’s Wood immigration removal centre in Bedfordshire. She was challenging the second occasion where she was held for a total of 28 hours on 2 August last year.

“It’s really hard to take on the Home Office when you’re still in detention and

many detainees are scared to do that in case they get worse treatment in detention,” she said. “I was anxious too but I had my lawyers behind me so I began the case against the Home Office while I was still locked up. I wasn’t just doing it for myself but for thousands of other immigration detainees who are also placed in segregation often without good reason.”

She said that she had never committed any crime and was held in segregation because she had refused to “go quietly” with Home Office escorts when they had tried to forcibly remove her from the UK.

“I refused to go with the escorts because my immigration case was still going through the courts and no final decision had been made,” she said. “The staff said I was not compliant. There was no bedding and just a rusty toilet in the cell they put me in. I was freezing cold.”

She said that being in segregation had had a lasting effect on her. “For a while after my release from detention I was too frightened to leave the house.” She said that she suffered from anxiety, depression and PTSD.

The woman’s solicitor, Lewis Kett of Duncan Lewis Solicitors, has called the segregation cells “punishment rooms”. He welcomed Thursday’s ruling.

Kett said: “This is the first ever challenge to the use of segregation in immigration detention and thus, at the very least, the first time the high court has found someone’s segregation in immigration detention to be unlawful and in breach of human rights legislation. The Home Office will now have to make clearer checks before extending segregation beyond 24 hours. Removal from association has become the norm rather than a last resort. It’s a power over the powerless and it is being abused.”

Part of the legal challenge was based on the fact that the Home Office did not have a specific policy around segregation. A couple of days before the hearing began, the Home Office uploaded [a new policy on segregation](#) on to its website.

Kett said he wasn’t surprised that the Home Office had issued this policy “at the last minute”. He said: “But our view is this doesn’t go far enough in giving sufficient procedural protections to detainees.”

A Home Office spokesman said: “Detention is an important part of our immigration system, helping to ensure that those with no right to remain in the UK are returned to their home country if they will not leave voluntarily. We will now consider our next steps following today’s ruling.”

- This article was amended on 1 August 2017. In the original version we said the woman was held in segregation for a second time at Yarl’s Wood on 16 September 2016. The correct date was 2 August. This has been changed.

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