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350 freed from immigration detention

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One-third of all immigration detainees have been released in response to the coronavirus pandemic.

In just one week, 350 people were freed from immigration detention centres, bringing their total population down from 1,100 to around 750.

The Home Office ordered the move without publicity in March during the run-up to the nationwide lockdown. It acted after receiving a legal challenge from the charity Detention Action which could have forced the release of hundreds more detainees.

When the case came before the High Court on March 25, judges found in favour of the Home Office – citing its pre-emptive move to release detainees as evidence that it was making the centres safer.

Detention centres, like prisons, are seen as high-risk environments for the spread of COVID-19 due to their crowded and unsanitary conditions. Two detainees have tested positive, one at Yarl's Wood and one at Brook House near Gatwick Airport.

Detention Action brought its legal case jointly with a detainee who claimed his poor health made him exceptionally vulnerable to the virus. The charity asked for the release of detainees with pre-existing medical conditions and those from about 50 countries to which the Home Office cannot currently remove people. It also demanded the suspension of new detentions and the testing of all detainees, warning that even a short delay could have “catastrophic consequences”.

However, the two judges, Dame Victoria Sharp and Mr Justice Swift, said the Home Office had already taken “sensible” and “practical” steps to make the centres safer, including single-occupancy rooms and providing face masks.

The judges said: “It seems likely that the arrangements already in place by the Secretary of State will be sufficient to address the risks arising in the majority of cases.” They added that “the present circumstances

are exceptional”.

At the time of the hearing, detainees at three centres were displaying symptoms of COVID-19.

The lawyers who brought the case said they were pleased it had led to a reduction in the population of the centres.

Toufique Hossain of Duncan Lewis Solicitors said: “This litigation has brought about the release of hundreds of detainees, preventing many from suffering serious harm.”

Bella Sankey, Director of Detention Action, said: “While the high court declined to grant our interim relief tonight, our litigation has already forced major and rapid concessions from the government: 350 people released from detention in the past week; an undertaking to proactively review the detention of all those held under immigration powers according to updated guidance and with a view to further significant releases; and a very strong presumption against any new detentions for people facing removal to around 50 countries.”

A spokesman for the Home Office said: “We welcome the court’s decision. Immigration Enforcement is responding to the unique circumstances of the coronavirus outbreak and following the latest guidance from Public Health England. The safety of detainees and staff is of vital importance.

“Decisions to detain are made on a case-by-case basis and kept under constant review, but our priority is to maintain the lawful detention of the most high-harm individuals, including foreign national offenders.”

Alison Thewliss MP, chair of the All-Party Parliamentary Group on Immigration Detention, said: “Now more than ever protection must be prioritised over immigration targets. The Home Office must release all immigration detainees immediately to protect the health and wellbeing of detainees and the general public.”



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