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I'm detained, and it's killing me

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by [Ahmed Aydeed](#)

I'm detained, but I'm not a criminal. I'm detained and no one can tell me when I'll be released. How do you respond to hearing such truths? This is the truth that many solicitors hear every day.



I ask myself; why do we imprison people for administrative purposes? Why do we imprison people who have been abused, tortured and raped? Why do we imprison people who seek international protection? We seek a legal remedy to assist and reassure our clients but I see no humane reason or justification for this practice.

Yet immigration detention remains lawful in the UK

Every year, around 30,000 people are detained for administrative ease, not for having committed a crime. If that figure isn't shocking enough, the single most common category of immigration detainees is asylum-seekers; around 46% of those entering detention are asylum-seekers who fear persecution in their home country. We are the only country in the European Union that has not imposed a time limit on immigration detention. This is a prime example of the dehumanisation of migrants. The inhumane and shameful scheme of indeterminate sentencing of convicted criminals was abolished in 2012; it was found to breach prisoner's human rights yet it is still lawful to indeterminately detain people seeking international protection in the UK.

Children in detention

The policy of detaining migrants also leads to the detention of children, children who've been through the most horrific ordeals. There were over seventy children held in immigration detention in 2016.

Last year our firm Duncan Lewis acted for one of those children, a 16-year-old Syrian asylum-seeker, who travelled through nine countries without his family, finally reaching safety in the UK only to find himself unlawfully locked up by the Home Office in a detention centre for adults. Raza Halim from Garden Court chambers was awarded Times lawyer of the Week on 2 June 2016 for his brilliant work in securing the release of the child from detention, which was only possible after this was ordered by the High Court. The Secretary of State for the Home Department has now conceded she unlawfully detained this child and he's been granted international protection.

Over a year on and we see undercover footage on the BBC of a 14 year old child held at Brook House IRC, exposed to drugs and abuse. So not only do these detention centres deprive people of their liberty, one of the most basic and fundamental rights of any human being, they expose people to further abuse.

Abuse in detention centres

For anyone who wants a glimpse of the reality in an immigration detention centre [I implore you to watch "Undercover: Britain's Immigration Secrets", Panorama's exposé of Brook House immigration centre](#) [still on iPlayer]. It uncovers the incompetence, lawlessness and abuse that are rife in immigration detention centres. Officers employed by private contractor *G4S* are recorded abusing and assaulting detainees. The undercover footage shows a man with severe mental health issues who escaped persecution in his home country, almost choked to death on national TV by a G4S guard who whispers in his ear "don't f***** move, you f***** piece of s***. I'm going to put you to f***** sleep."

The abuse doesn't stop at Brook House; imagine being a woman who escaped sexual assault and rape in your home country only to be sexually assaulted by an officer, employed by private contractor *Serco*, at Yarl's Wood IRC. Imagine being a minor and a victim of trafficking, rape and sexual assault only to find yourself being sexually assaulted and almost raped again at Morton Hall IRC. Imagine the re-traumatisation this causes. Unfortunately, no imagination is needed: these are the accounts of our clients. These are the realities of what goes on in immigration detention centres.

The flawed system

Notwithstanding the inherent injustice of immigration detention, as public lawyers, we can only work to ensure that no one is unlawfully detained and that the Home Office's policies and practices with regards to detention are not unlawful. Unsurprisingly, the Home Secretary regularly fails to act in accordance with her own policies.

Between 2005 and 2014 the Home Office decided to deal with some asylum claims under a 'Detained Fast-Track' (DFT). The idea was that those considered by Home Office to have a weak asylum claim were placed in detention while their claim was considered under an accelerated process; often just a few days. I challenged the DFT rules on asylum appeals, and the High Court declared that the system was unfair and the Home Office had been acting beyond its powers. Many of those placed on the DFT had been through appalling suffering, should not have been re-traumatised in detention and had not been given a fair chance to make their asylum claim. More than 10,000 asylum-seekers had been abused by this system.

Defending the indefensible

It is shocking that our government was operating an unlawful process for over 10 years and acting beyond its powers. What is even more shocking is the disregard for liberty and the manner in which the Home Secretary attempts to justify her draconian actions. In the case of *Zafar*, where the Home Secretary was yet again found to be acting unlawfully and ordered to pay substantial damages for the unlawful detention of my client, I recall Mrs Justice Andrews telling counsel for the Home Secretary that he was attempting to "defend the indefensible" and that, however he phrased the legal submissions, it "remained indefensible". I am pleased the court recognised the injustice in this case but migrants continue to be imprisoned in the UK.

[I was delighted and honoured to be awarded Junior Lawyer of the Year at the 2017 Law Society Excellence awards.](#) For me, winning the Law Society Excellence Award was recognition of how important it is to continue the fight against the unlawful detention of migrants. It highlights the importance of legally aided public law. But I ask myself are we really doing enough to stop immigration detention? Are we hyper-normalising immigration detention by mounting these specific challenges? When will the nation wake up to the injustice of immigration detention?

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About the author

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