

Asylum seekers set up to fail in detained fast track system, new report shows

Asylum seekers detained for their claims to be fast tracked at Harmondsworth Immigration Removal Centre are being set up to fail because the system is too fast to give them a fair chance and more than half are left without legal representation at their appeals, a leading detention charity said today.

Working against the clock: inadequacy and injustice in the fast track system published today by Bail for Immigration Detainees (BID) presents evidence from a week of Harmondsworth fast track appeals heard in March 2006, and discloses fresh evidence about the scale of the injustice in the fast track obtained by BID under the Freedom of Information Act.

Under fast track rules, asylum seekers are expected to put forward their asylum case in a matter of days. BID's new report shows that the process is too fast to give asylum seekers a fair chance to succeed in their claim – many legal representatives and detainees interviewed said they didn't have time to prepare properly.

Figures disclosed to BID show that only one percent of fast track claimants get a positive initial decision, compared to 22 percent in the non-detained system.ⁱ Most detainees go on to appeal, but the majority are refused – only seven of the 290 appeals heard in the first three months of 2006 were allowed.ⁱⁱ

“This high refusal rate is not surprising, given that so many people are in court without a lawyer to present their case. The Home Office is always represented, but official figures disclosed to BID show that in January and February 2006, 55 percent of detainees were not represented at their appeals. In the research sample, 60 percent of detainees had no lawyer at their appeal” said Anna Morvern, Fast Track Project Manager.

One detainee, interviewed for the research, said

“To appeal you need grounds and evidence to show in court. Two days is not enough for someone to find evidence to work on his case so he can stand strong in court. You do appeal because you can but you are not appealing in confidence. You have no time and the lawyer has no time to look at your case and where you are weak and where you are strong. So you are pushed to appeal with no evidence...If you have evidence in court, then you have confidence. If you have nothing, no one will listen to what you are saying.”

The research also found that many detainees are unable to apply for bail due to lack of legal representatives, so they remain detained for long periods. Figures disclosed to BID show that between 1 October 2005 and 31 May 2006, the average length of detention prior to removal from the UK was 68.6 days.

The report calls for an end to detained fast track, and for safeguards to be put in place urgently.

“It is not acceptable for the Government's desire to speed up the asylum and removal process to override fairness and liberty,” said Sarah Cutler, BID Assistant Director.

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Notes to Editors

1. *Working against the clock: inadequacy and injustice in the fast track system*, by BID, July 2006, can be downloaded at

An executive summary is available at www.biduk.org

2. Harmondsworth Immigration Removal Centre (IRC) is near Heathrow airport. There are around 500 beds at the centre, making this the largest IRC in the UK, and around 200 of these beds are allocated to fast track cases. The process operates a very quick timescale for deciding asylum claims and the vast majority (99%) are initially refused. Most go on to appeal, but the majority of these are refused – of the 290 appeals heard in the first three months of 2006, only seven were allowed. Official figures disclosed to BID show that in January and February 2006, of 132 appeals, 72 (55%) were made by detainees without legal representation. The average length of detention has been disclosed to BID as 69 days for those removed, and nearly 40 days for the 19% of cases initially fast tracked, but later released.
3. BID is an independent charity that prepares and presents free bail applications on behalf of those detained under Immigration Act powers. BID does not receive legal aid funding. BID also carries out information and research work on the policy and practice of immigration detention in the UK. BID has offices in London, Portsmouth and Oxford and makes bail applications for those held at any of the Immigration Removal Centres (IRCs) in the UK. We also support people to make their own applications for release on bail, without a legal representative using our Notebook on Bail. Further information can be found at www.biduk.org

Bail for Immigration Detainees

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ⁱ In the first three months of 2006, of the 330 initial decisions made at Harmondsworth, 99% were refused and 1% granted. This compares to statistics for the overall decision rate for all asylum claims during the first three months of 2006, where 6260 initial decisions were made, of which 10% were granted asylum, 12% were granted humanitarian protection or discretionary leave and 78% were refused. See p3: Quarterly Asylum Statistics, 2006. These figures do not provide a breakdown of fast track and non-fast track decisions, so these figures will presumably include the cases determined at Harmondsworth IRC during this time. The vast majority (240 cases) of those refused made an appeal. 25 Figures provided to BID by AIT Harmondsworth show that between 1st January and 30th March 2006, 290 appeals were heard, of which seven were allowed, 233 dismissed, 10 withdrawn and 50 adjourned.

ⁱⁱ Figures provided to BID by the Asylum and Immigration Tribunal at Harmondsworth show that between 1st January and 30th March 2006, 290 appeals were heard, of which 7 were allowed, 233 dismissed, 10 withdrawn and 50 adjourned.