

Medical Justice
working for health rights for detainees

BiD Bail for
Immigration
Detainees

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**RIGHT
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**Detention
Action**

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LIBERTY

Rt. Hon Priti Patel
Secretary of State for the Home Department
Home Office
2 Marsham Street
London
SW1P 4DF

11th March 2020

Dear Home Secretary,

We are writing to express our concern about the very real risk of an uncontrolled outbreak of COVID-19 in immigration detention and to ask what measures the Home Office has put in place to address this.

There is a very serious risk that the virus could spread quickly throughout all immigration removal centres. COVID-19 is highly infectious and such diseases tend to spread more quickly in prisons and other sites of incarceration. The risk is heightened by the fact that people in immigration detention may have entered the UK in recent weeks from countries where the incidence of COVID-19 is far more widespread such as Italy. Immigration detainees are also frequently moved between different immigration removal centres and so the infection is likely to spread rapidly across the entire detention estate.

Many people in immigration detention are highly vulnerable and have pre-existing health conditions. This makes it more likely that they will be severely harmed by COVID-19.

We are concerned that measures to prevent the risk or spread of coronavirus in detention may undermine detainees' access to justice and/or access to medico-legal reports. This is because NGOs and duty solicitors that provide these services in detention may decide that the risk of contracting COVID-19, or passing on the disease to people in immigration detention, is too great. If this were to be the case then this would call into question the lawfulness of immigration detention and removals.

In order to prevent the disease spreading rapidly among detainees, custody officers, healthcare staff and all others in Immigration Removal Centres, the government should immediately release all immigration detainees. This is in the interests of public health. We are concerned that if the government does not act now, detainees will continue to be held in close proximity, in a high-risk environment, leading to a preventable spread of the virus and losses of life.

Detention can only be justified where there is a prospect of imminent removal and as borders close around the globe and strict travel restrictions are implemented, the removal system is going to become much harder to operate, making increased numbers of removals and detentions unlawful.

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If there are not currently any plans to release people from immigration detention to prevent the spread of COVID-19, please outline any steps that the Home Office is taking to mitigate the spread of COVID-19 within Immigration Removal Centres, while also maintaining their right to access legal advice and the First-tier Tribunal.

How many people in immigration detention have been tested for COVID-19?

Are there plans to test immigration detainees or people who work in Immigration Removal Centres for COVID-19?

What response is the Home Office taking when an immigration detainee or somebody who works in immigration detention tests positive for COVID-19?

Will people who test positive for COVID-19 remain in detention?

Will people who test positive for COVID-19 still face enforced removal from the UK?

Will people who test negative for COVID-19 be released from immigration detention?

Will people who have pre-existing health conditions be released from detention?

Assuming that you may decide not to release all people held in immigration detention, what steps are you taking to maintain access to legal advice and access to the First-tier Tribunal in the event of the spread of the Covid 19 virus?

We ask that you please respond to this letter as a matter of urgency.

We would be grateful if you would supply the requested information electronically via the following e-mail addresses:

- pierre@biduk.org
- rudy@biduk.org
- Emma.ginn@medicaljustice.org.uk
- bella@detentionaction.org.uk

Thank you for your assistance. We look forward to hearing from you.

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Yours faithfully,

Celia Clarke
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Bail for Immigration Detainees

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Director
Medical Justice

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Women for Refugee Women

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