

**Refugee & Migrant's Forum (RMF) and Border and Immigration Agency  
Meeting Held on Thursday September 7th 2007  
At Dallas Court, Salford**

Present: Elinah Mugwagwah (Chair, RMF)  
Azeldin El Sharif (Vice-Chair, RMF)  
Abobeker Zukrya (RMF)  
Sophie King (Development Worker, RMF)  
Chris Brammer (HM Inspector, BIA, Enforcement & Removals)  
Pat Frost (Immigration Officer, BIA)  
Peter Dickin (Complaints & Internal Investigations Manager, Business Assurance Team, BIA)

Peter Mayor (BIA) attended to take minutes

**1) Previous Minutes.**

The minutes of the previous meeting were approved.

**2) Action Points**

See BIA / RMF Action Point Register (Attached).

**3) Presentation by Peter Dickin**

Peter Dickin described the work and organisation of the Complaints & Internal Investigation. This is a small team, with himself as manager, 2 x HEO Investigators, and 2 x EO assistants.

The team has no involvement in complaints about decisions or administrative complaints (Delays etc.), nor do they investigate the propriety of procedures.

The teams remit specifically covers complaints of racism, assault, theft, & serious misconduct against staff working in enforcement and arrest teams. Requests for compensation of £250 or more are also investigated by the team.

Complaints should be acknowledged within 2 days, and there is a projected timescale of 8 weeks to resolution of each case. The team will interview complainants, witnesses, examine any documentary evidence and make recommendations to the Complaints Audit Body. Such investigations will not normally prevent detention or removal

These recommendations will tend to fall into one of three classes. The personal, where disciplinary procedures will be recommended, the local, where guidance and training in specific areas may be recommended, and the national, where recommendations might include the formulation of new procedures.

The team will also map trends relating to complaints and make recommendations based on such trends to the head of profession.

From January 2008 the Independent Police Complaints Committee (IPCC) will gain oversight of complaints made against staff using police-like powers. Depending on the severity of the complaint, they will either:

- a) Investigate the case themselves
- b) Run the investigation, which will be carried out by the BIA team.
- c) Examine the results of a BIA team investigation.

Links will be forged with the Parliamentary Ombudsman and the Prisons Ombudsman.

Azeldin El Sharif asked how detainees knew how to complain. Peter Dickin stated that details were available on the BIA website. Chris Brammer pointed out that currently the BIA tends to rely on representatives to know the avenues of complaint.

Peter Dickin said that the team was currently seeking wider visibility within BIA, amongst the migrant community, and amongst the wider community in general.

Sophie King suggested that Peter Dickin might like to take part in an outreach event which would increase visibility of, and knowledge about, the complaints system **Peter Dickin stated that although he would be happy to do this, it might make more sense to piggy-back onto IPCC events.**

Sophie King enquired about responsibility for complaints involving short term detention staff

Peter Dickin said that once a detainee had been handed over to G4S staff, any complaints raised would seem to fall within the remit of the Prisons Ombudsman. This will be clarified by the time new arrangements come into force in January 2008.

Sophie King asked what statistics were available. Peter Dickin stated that statistics were now in the process of being compiled, but it was not known if these could be released. **Chris Brammer will liaise with Peter Dickin and report to the next meeting on the possibility of the release of these statistics.**

#### **4) RMF Report – Experiences of Detention & Removal**

This was presented to the meeting, and various points raised in the report were addressed.

Chris Brammer stated that family removals policy was currently under review including the examination of new methods of transport for families in detention

Sophie King expressed the concern that, because of a lack of communication between various parts of the Border & Immigration Agency it was unnecessarily difficult to get someone who had made a fresh claim, or put in a request for judicial review, released from detention.

In response Chris Brammer clarified the procedures in these circumstances. On receiving a representation claiming to be a fresh asylum claim, trained

caseworkers examine the claim to determine whether the representation does in fact qualify as a fresh claim. If so, the detainee might well be released from detention after an interview. If it is decided that the representation does not qualify as an asylum claim, then the detention will probably continue whilst the caseworkers address the representation. In the case of an application for judicial review, the action taken would depend on whether the application could be fast-tracked or not. If so, then detention would probably continue, if not the detainee could be released.

Sophie King stated that there had been cases where representatives and family were unable to gain information about detainees. Chris Brammer said out that information could only be passed to accredited representatives. Azeldin El Sharif pointed out that it was possible to get legal authorisation even if you are not the representative.

Azeldin El Sharif stated that there were particular problems with regard to detention when the detainee was a victim of torture.

**Chris Brammer will check the Operational Guidance Manual and report back to the next meeting.**

The RMF were concerned that detainees are being held in Police Stations, which is seen in the community as criminalising. There are also widespread concerns about the state of detention cells.

Chris Brammer stated that BIA consider Police cells valid places of detention. The RMF's concerns were noted.

The RMF nevertheless felt that there were serious problems, both psychological and political, involved with the use of Police Stations to detain people who were not criminals. Chris Brammer pointed out that there is little option given the current resources available to the service in the North West. **Chris Brammer agreed to pass on RMF concerns about this matter and explained that they have requested a dedicated immigration centre in the North West to end this problem**

Sophie King asked that better explanations be given on detention. Chris Brammer will circulate advice to teams, reminding them that explanations should be given on why detention is felt to be appropriate.

In response to section 2.2 of the report, referring to the practise of allegedly 'opportunistic' detention & removal, Chris Brammer advised that operational guidelines – specifically the named offender policy - are currently being reviewed. However, Immigration Officers will detain other immigration offenders if encountered on a visit.

Sophie King asked if failed asylum seekers are regarded as immigration offenders. **Pat Frost explained that asylum seekers who had entered the UK illegally e.g. using false papers or who had been defined as non-compliant was classed as an immigration offender but that people who had entered the UK through legal means and claimed asylum, been unsuccessful but was complying with their contact management requirements was not classed as an immigration offender.**

Immigration Officers would seek to arrange for individuals to rejoin the reporting regime if they were not currently doing so.

Chris Brammer said, in respect of section 2.3 of the report (Access to legal representation), that this had been resolved by him having circulated a reminder to all staff by e-mail. With regard to phone calls, P.A.C.E. allows one phone call as of right, but experience suggests that most custody sergeants allow more. Pat Frost pointed out that this was one phone call plus the right to legal representation. **Chris Brammer undertook to clarify with the GMP Liaison Officer.**

Pat Frost responded to section 2.4 of the report by giving a run-through of how the numbers of officers required for a particular visit are decided, based on a risk assessment. She stated that the eventual number arrived at is the minimum necessary to ensure the safety of detainees and their families, as well as that of operational staff.

Peter Dickin stated that sections 2.4 and 2.5 of the report fell under the remit of his department.

Elinah Mugwagwah reminded the meeting that subjects may well be traumatized, for instance, by loud banging on their doors early in the morning. Pat Frost said that, on visits, Immigration Officers should knock normally at the door to begin with, and only knock harder if there is no response to this. She and Chris Brammer went through the steps that immigration officers should go through before using force. **Chris Brammer agreed that they would speak to staff about their approach to enforcement visits, such as the manner in which they first try to make contact at a property and agreed that Immigration Officers carrying out enforcement visits may need to be reminded of BIA guidelines to ensure everyone is following them correctly**

Elinah Mugwagwah asked if the Border & Immigration Agency perform any assessment of a subject's character before a visit. Chris Brammer stated that there was no assessment of character as such, however the Police National Computer and other records were checked, as Immigration Officers needed to be aware of subjects with a history of criminality or violence for their own, and the public's, safety.

Azeldin El Sharif asked how the Border & Immigration Agency could guarantee that officers' responses are appropriate. Chris Brammer said that the regular and ongoing training now in place was the best way to ensure this

Peter Dickin pointed out that there would be increased emphasis on contract monitoring as one of the outcomes of the family review now underway.

## **5) Next Meeting**

**Representatives from the Medical Foundation and from the Contact Management Team will be invited to the next meeting. The reporting centre manager will be asked to attend.**

The next meeting will be held at St James' at 10 a.m. on 18<sup>th</sup> October 2007