



Home Office

Home Secretary

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Dear colleague

Immigration detention reforms

On 24 July I laid before Parliament the second independent review by Stephen Shaw CBE into the welfare of vulnerable persons in immigration detention. His comprehensive and thoughtful report assesses progress made by this Government against recommendations made in Mr Shaw's first report in 2016.

Detention is an important part of our immigration system. It encourages compliance with our immigration rules, protects the public from the consequences of illegal migration, and ensures foreign criminals can be removed when all else fails. However, it is crucial that its use is only when necessary, and with the welfare of detainees at its heart. The Shaw Review confirms that the Government is on the right track in its reforms of detention, whilst identifying areas where the Government could and should do better.

Over the past three years we have reduced the number of places in removal centres by a quarter. Last year, 64% of those detained left detention within a month, and 91% left within four. We detained 8% fewer people last year than the year before.

Since the publication of Mr Shaw's first report, we have put in place the Adults at Risk in Immigration Detention policy to identify vulnerable adults more effectively and make better balanced decisions about the appropriateness of their detention. We have set up a team of detention gatekeepers to ensure decisions to detain are properly reviewed. And we have changed the rules on bail hearings so that detainees are automatically referred for consideration of bail after four months in detention, and at four month intervals thereafter.

Mr Shaw's latest report commends the "energetic way" in which these 2016 recommendations have been taken forward, whilst noting that these reforms are still bedding in. He challenges us on those areas where we could and should go even further.

I am keen to respond to this challenge by picking up the pace of reforms and I am writing to you today to outline my four priorities on this.

First, we will ensure that immigration detention is considered only for those individuals in whose cases other approaches to removal will not work. Presently, 95% of people liable for removal at any one time are not in detention at all, but are carefully risk assessed and managed in the community instead. I want to increase this proportion not in a removal centre even further. I announced in my statement that my department will be doing more work to explore alternatives to detention with faith groups, NGOs and within communities. As a first step, my officials have been working with UNHCR to pilot a scheme to manage vulnerable women in the community who would otherwise be detained at the Yarl's Wood Immigration Removal Centre. They will receive a programme of support in the community, instead of in detention, to help them prepare to leave the UK and resettle in their home countries.

Secondly, I want to continue the progress made so far to improve the support available for vulnerable detainees. I agree with Mr Shaw that the Adults at Risk policy remains work in progress, and that we should work to embed and strengthen it. But we need to continue to ensure the most vulnerable and complex cases get the attention they need. We will look again at how we can improve the consideration of Rule 35 reports on cases of possible torture, whilst ensuring that this process is not abused. We will also be piloting an additional automatic bail referral after two months. This is in addition to the four-month automatic bail referral, and detainees will still be able to apply for bail at any point. Finally we will be increasing the number of Home Office staff in our Immigration Removal Centres and ensuring that they have the necessary training and expertise to identify and work with vulnerable detainees.

Third, I will be looking to increase transparency in this area. I announced on 24 July that I will be publishing more data on immigration detention, and I have also commissioned David Bolt, the Independent Chief Inspector of Borders and Immigration, to report each year on whether and how the Adults at Risk policy is making a difference.

Finally, we will be leading a new drive on dignity in detention and deliver noticeable improvements in the basic provision available to detainees. One example of this is I have put an immediate stop to the practice in some centres of using rooms designed for two detainees to accommodate a third. There will also be an urgent action plan for modernising toilet facilities across the estate. And we will be piloting the use of Skype to improve the quality of contact that detainees can have with their families.

While considering the issue of detention, I have also heard the arguments made for an explicit time limit on the time a person can spend in a removal centre. Mr Shaw's review finds that the debate on this point rests more on slogans than evidence as things stand. I have therefore asked my officials to review how time limits work in other countries and how they relate to any other protections within their immigration systems. This will enable us to have a better, more informed debate, and ensure our detention policy is based on what works to tackle illegal immigration and is humane for those who are detained.

The ultimate goal is to ensure that our immigration system, including our approach to immigration detention, is fair and humane. This is what the public rightly expects, and the changes I am implementing will help make sure that this is the case.

A handwritten signature in black ink, appearing to read 'S. Javid', with a small comma at the end.

Rt Hon Sajid Javid MP