

Briefing: The Detained Fast Track



February 2013

The Detained Fast Track (DFT) asylum process is unfair and dysfunctional. Since its introduction in 2000, it has grown vastly in scope and in size. Many more asylum-seekers are now detained, in worse conditions, with tighter timescales, than was ever initially intended. This briefing summarises the problems with the Detained Fast Track, including in the words of asylum-seekers who are going through it.

The DFT today

In early 2012, the Independent Chief Inspector of Borders and Immigration criticised the detention of victims of torture and other vulnerable asylum-seekers on the DFT, and the amount of time asylum-seekers were spending in detention.¹ This followed Detention Action's 2011 report, *Fast Track to Despair*,² which found that the DFT is structured to the maximum disadvantage of asylum-seekers at every stage. One year on from the Chief Inspector's report, little has changed for the better. In fact, not only has the UKBA failed to properly address these concerns, but they have continued to expand the DFT, subjecting ever-increasing numbers to injustices.

*'I came here
to save my
life. If they
send me, I'm
not gonna be
alive'*

The UNHCR (The UN Refugee Agency) has called for detention only to be used when necessary, reasonable and proportionate, with an individual assessment of each case.³ However, the DFT appears to have become a default option for the UK Border Agency (UKBA) to push many, many asylum-seekers through a process which seems designed to fail them. The decision to fast-track an asylum case is made when very little is known about the person's situation, and yet its implications for the individual are massive. The UKBA refuses 99% of asylum claims which they have placed on the DFT. Asylum-seekers and their legal representatives report major difficulties in presenting their cases properly in the fast-paced process of interviews and appeals. Confusion, disorientation and stress are rife. Asylum-seekers are held in prison-like conditions for weeks and months at a time.

What is the DFT?

When someone claims asylum in the UK, the UKBA decides how to process their case. Most asylum-seekers live in the community while their claim is considered. However, if the UKBA believes a case is straightforward and therefore quick to decide, they can hold the asylum-seeker in a detention centre while their case is determined. Asylum-seekers from any country, including Iran, Afghanistan and Uganda, can be detained in this way. In 2011, 2,118 people were put into the DFT.⁴ Timescales are very short, with two days to make an appeal if a case is refused by the UKBA. Most men on the DFT are held in Harmondsworth, while women are detained in Yarl's Wood.⁵

*'Being here
in detention
centre, is like
hell for me'*

¹ Independent Chief Inspector of the UK Border Agency, *Asylum: A thematic inspection of the Detained Fast Track*, 2012, http://icinspector.independent.gov.uk/wp-content/uploads/2012/02/Asylum_A-thematic-inspection-of-Detained-Fast-Track.pdf

² Detention Action, *Fast Track to Despair*, 2011, <http://detentionaction.org.uk/timelimit/publications>

³ UNHCR, *Detention Guidelines*, 2012, <http://www.unhcr.org/505b10ee9.html>

⁴ Data tables Immigration Statistics July-September 2012 Volume 4 <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q3-2012/>

⁵ This briefing paper focuses on men's experience of the DFT in Harmondsworth

Routine detention of vulnerable asylum-seekers

Vulnerable people and those with complex cases, including victims of torture, trafficking, gender-based violence and persecution because of their sexuality, are regularly detained on the DFT. Similarly, people whose cases are complex, demanding expert evidence or detailed consideration, are often fast-tracked. In theory, the DFT is used to quickly decide straightforward cases with safeguards to prevent vulnerable individuals from being detained in this way. However, it is simply not possible to accurately determine if someone is vulnerable or if their case is complex within the limitations of the screening process. Screening is used to decide if a case will be heard on the DFT or not, but it is designed only to gather basic information about an asylum-seeker, not the details of their case. It is not appropriate to ask more in-depth questions before an asylum-seeker has had access to legal advice. It is very difficult for people to disclose torture or other trauma, and sufficient time to build trust is vital. Even when people do disclose torture or ill-treatment at screening or afterwards, their cases are often still determined on the DFT.

I came here to save my life. 'Cause I already lost half of my family. I'm seeing bad dreams. When I heard the gunfire noise, when I saw my brother and the bodies... From that day 'til now, I'm totally different. Changed. My memory. My health. My heart, my mind. Everything. I am just feeling that, I am not in this world. It's very, very hard. I'm sure that if they send me, I'm not gonna be alive. *Mohammed, Afghanistan*

However strong is your case that doesn't matter because they just want to get rid of people and this is why they keep you here in detention. I have no understanding about fast track, all I can say is that fast track is where they just want to remove you from the country, that is all. *Waqas, Pakistan*

I came here for my political attitude from my country and I was in prison, even in my country. Just I tell them everything. I was tortured, but they don't accept that, I don't know why. *Solomon, Ethiopia*

'Fast track is a way to deport people, not to understand what the problem is'

Lack of access to justice

The fast pace of the DFT prevents asylum-seekers from accessing the advice and evidence needed to properly present their case, calling into question their access to justice. With little information accessible, asylum-seekers struggle to understand why they have been detained or how the process operates, adding significantly to the stress and disorientation caused by their detention.

I claimed asylum, they keep me two days in police station. After that, they send me to detention in Dover. So after two days they brought me to Harmondsworth. But even the immigration officer asked me "Are you in fast track?". Until now, I'm not sure. When they are giving me papers, documents, I'm reading them, but I don't know what's going on. I request to them to talk to me but they didn't reply to me. *Mohammed, Afghanistan*

I thought "what is fast track?", I have no idea what fast track is. I've been speaking to the officer and I said, please explain me what fast track is and he said if you are in fast track then that is not good news for you, and I said why and he said that means you are going home very soon. *Waqas, Pakistan*

I don't know anything about fast track. He gave me some papers. Then he tell me this, 'You have fast track procedure'. He didn't explain me why, or what fast track procedure is. *Solomon, Ethiopia*

'There are no human rights, not in the UK'

Many asylum-seekers spend days or weeks unable to access legal advice while waiting for their

claims to be heard. Although the UKBA allocates a duty legal representative, this usually doesn't happen until the day before their substantive interview. In the experience of one solicitor's firm, in the second half of 2012 nearly 60% people on DFT in Harmondsworth were detained without access to legal advice for one week or more before being allocated a representative. Often asylum-seekers meet their representative on the day of the interview itself, giving them very little time to build trust, to explain their case and to get proper advice.

I woke up and there were like people around me, all "Come come, you've got an interview". When I was speaking with the legal aid solicitor, she said "This is a strong case but you're going to lose anyway, there is nothing we can do." This is like mental stress and mental torture and then they are pushing you, forcing you to sign and go back home. *Waqas, Pakistan*

There is often no time to gather evidence to support their case, even if limited flexibility in the timescales of the process is sometimes allowed.

You don't have time to get your evidence or anything because then your decision is yes or no. They are just taking one day or two day maximum to decide on your case. It is just a drama that you have human rights, but there are no human rights, not in the UK. *Waqas, Pakistan*

Fast track is a way to deport people, not to understand what the problem is. I didn't have any documents. I released from detention in my country and I leave the country the next day. There is no time to collect documents! If I was reside in England, or in London, I've got some other people and groups which came from my country, they know I am a member. If they deport me, I know what's waiting for me. Just they caught me, they put me in detention or they would kill me. *Solomon, Ethiopia*

**59% are
unrepresented
at appeal**

When their case is refused, asylum-seekers have just two days in which to appeal. Many find themselves unrepresented, forced to navigate a complex and fast-paced appeals process in a language they often don't understand. In 2012, 59% asylum-seekers in Harmondsworth were unrepresented at the first appeal. Only 1% of them won their appeals, compared to 20% of those with a representative.⁶

No matter what problems you have, they're gonna interview you for the sake of it and refuse you straight away. It doesn't just happen to me, it happens to everybody. You give the interview on Friday, they have Saturday and Sunday off, you get the refusal on Monday. That's the fast track efficiency. I went to the welfare office, saying I haven't got a solicitor and I only have two days to appeal. And they said "No you cannot get a solicitor for a week or two weeks". I went to court to appeal. I mentioned my 15 years here, I said to the Home Office "You took 10 minutes out of my life to decide about me". And she only said "Sorry – that's it". *Dritan, Albania*

**'My life is
damaged.
That's not fair,
that's not
human'**

The solicitor came on interview day just half an hour before the interview. It was a long interview, about seven, eight hours. I have memory problems, so my head was heavy. My solicitor said she would only represent me if I had money, and I don't have money. So when they give me the hearing date of court, I write down one letter, "Please, I have no representation. As you know, my evidence has not been translated. Give me time – I need to get representation". They said no. I felt so sad, so sad. *Mohammed, Afghanistan*

⁶ January-September 2012, statistics from FOI requests by Detention Action, FOI/76942 and FOI/80225

High-security detention centres

Asylum-seekers are held in prison-like conditions for weeks and even months on the DFT. Despite having committed no crime, they are locked up in high-security detention centres for the administrative convenience of the UKBA.

It feels like jail, you know? I can't sleep well. I can't eat proper, I lose my weight. I lose my patience. I am asking for my rights. I don't need your money, I don't need anything of you. But please, let me to be alive! Let me to be safe here for a while. *Mohammed, Afghanistan*

They are separated from family and friends in the UK, without access to support networks within their local communities.

I've been here for 15 years, I never had a criminal record. I paid my insurance, I'm a normal person. Work, house, sleep, drink, whatever - social life. But being here in detention centre, it's like hell for me. I have a daughter crying out there, a girlfriend crying out there. *Dritan, Albania*

Many report high levels of stress and trauma caused by their detention, which can be even more damaging for people who were imprisoned in their country of origin.

It's very complicated in detention. You don't have someone to talk to you. You have no family here, you have no contact with your family there. It's very hard, it's very hard. I don't have words to say, to express it. I not expect something like this. *Solomon, Ethiopia*

My life is damaged. I have already seen very bad, very sad times. I have already too much stress. But you are making me more and more! Why?! That's not fair, that's not human. They're just putting people inside detention. They don't care what's gonna happen to this person, and how they are feeling. They do not see people in our eyes. *Mohammed, Afghanistan*

Recommendations

1. Abolish the DFT. Instead, these asylum claims should be processed in the community.

If the DFT is to continue,

2. Provide access to and funding for legal advice throughout the process, including before and after screening and at appeal;
3. Ensure that asylum-seekers who disclose torture or other trauma are not routed into the DFT and that they are taken out in cases of late disclosure;
4. Ensure that sufficient time is allowed for evidence to be gathered, taking asylum-seekers out of the DFT if expert or other evidence is needed in order to fully consider their claim;
5. Publish prompt and regular information on the numbers, outcomes and costs of the DFT, to enable public scrutiny of the process.

© Detention Action 2013

Leroy House • Unit 3R • 436 Essex Road • London N1 3QP
020 7226 3114 • www.detentionaction.org.uk