

DETENTION UNDER THE SPOTLIGHT

JRS visits people in immigration detention across Europe. We witness detention's negative impact on detainees and the effects of flawed migration systems. By exposing some of it, we hope to gain support in our call to end immigration detention. Stories are real. Names and other details were adapted for people's protection.

LACK OF LEGAL ASSISTANCE

In theory, everyone in detention in the UK is entitled to a free initial 30-minute consultation with a solicitor through the Detained Duty Advice scheme. However:

- People are not always informed about the scheme
- Solicitors often do not take on cases, because legal aid funding is not available for the issues at stake, or due to lack of capacity.
- Representation is frequently poor.
- Long waits, because of shortage of solicitors.

As a result, people struggle to get good, timely legal advice on their cases and may remain detained for long periods, possibly unlawfully, when quality legal intervention could have secured release. Also, in urgent cases, e.g. when someone faces imminent deportation, there is a heightened risk of unlawful removal without scrutiny or access to justice.

THE STORY OF DARYAN

Daryan, a Kurd from Iran, arrived in the UK in mid-May 2022 on a small boat and was taken straight to a detention centre. The day after he had his initial asylum interview.

The following day he received a document he could not read or understand. It was a **Notice of Intent** saying he had **7 days to explain** to the Home Office **why his asylum claim should be admitted** and considered in the UK. **An inadmissibility decision could lead to Daryan being transferred to Rwanda.**

When JRS met Daryan 3 days later he did not know what was happening, **he had not been in contact with a solicitor, nor had he been informed of how to get one.**

Daryan had only been in the UK 2 days, he was exhausted from his journey and he was already being threatened with removal to a country he had no connection and where he could be at further risk.

JRS RECOMMENDATIONS

In order to ensure effective access to legal advice in detention, we recommend:

- Everyone should be offered an appointment with a legal aid solicitor upon entering detention, and this should be recorded
- No part of an asylum claim should ever be processed in detention.
- The Legal aid agency should urgently review the Detained Duty Advice scheme; a higher bar must be set for firms wishing to participate in the DDA scheme, in terms of both expertise and capacity.
- There must be urgent investment in publicly provided legal aid to cover all aspect of immigration advice.

