

THE BROOK HOUSE INQUIRY

Alex Goodman

4 June 2019

Immigration Detention and the Rule of Law: Safeguarding Principles

- The introduction to the Bingham Centre's *Safeguarding principles* makes this point:

“It is a corrosive and discriminatory idea that the individual liberty of foreigners lacking immigration status is less worthy of protective safeguards under the rule of law than those- whether own nationals or foreigners- who are detained because they are Suspected of committing crimes”

Stephen Shaw

- Former Prisons and Probation Ombudsman
- Home Affairs Select Committee on 11 September 2018:

“As I say, I am tired of this in a way. I think it is now 15 years ago that I did the first review for the Government of abusiveness that had not been identified by the formal oversight mechanisms, had not been seen by management and had been revealed by an undercover reporter. The means by what was revealed at Brook House—leaving aside the appalling nature of it—came to public view was exactly the same as at Yarl’s Wood two or three years ago and exactly the same as at Yarl’s Wood and Oakington in the early 2000s. Therefore, we have not solved the problem.”

Article 3 violations in detention of mentally ill

- ***R (BA) v SSHD*** [2011] EWHC 2748 (Admin)
- ***R (S) v SSHD*** [2011] EWHC 2120 (Admin)
- ***R (HA) v SSHD*** ([2012] EWHC 979 (Admin)
- ***R (D) v SSHD*** [2012] EWHC 2501 (Admin)
- ***R (MD) v SSHD*** ([2014] EWHC 2249 (Admin)

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Stephen Shaw's 2016 Review of the Welfare of Vulnerable Detainees in immigration detention

Jeremy Johnson QC's Appendix

- “The nature and pattern of the findings **“tend to suggest that these cases may be symptomatic of underlying systemic failings** (as opposed to being wholly attributable to individual failings on the part of the clinicians or public servants who were involved in the particular cases).
- None of the findings was attributed to a failing in the legislative framework or policy. Nor was there any finding of a deliberate intention to cause harm.
- The findings focus upon a lack of healthcare assessment and treatment: “The nature and pattern of findings are such that they are more likely to be a **reflection of a systemic problem** (i.e. insufficient medical – particularly psychiatric – provision) rather than individual failings.”

Macpherson Report- February 1999

- “Institutional racism” of the Metropolitan Police officially acknowledged for the first time;
- Found there to be a “collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin”.
- Concluded that every institution in the country had a duty to “examine their policies and the outcome of their policies and practices to guard against disadvantaging any section of their communities”

Sue McAllister the Prison and Probation Ombudsman –

In a letter to the High Court in May stated that

“all potential pressure, interest, or legal groups and anyone else involved in the immigration system”

would be invited to participate in a public forum as part of the inquiry.

Thank you for listening

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