

Rt Hon Priti Patel MP
Secretary of State for the Home Office

6 May 2020

Sent by email to: withammp@parliament.uk and public.enquiries@homeoffice.gsi.gov.uk

Dear Home Secretary,

RE: REVIEW OF REPORTING CONDITIONS FOR VULNERABLE PEOPLE

Thank you for the response to our previous letter asking about the suspension in reporting conditions during the COVID-19 pandemic. We are grateful that a pragmatic and humane response has been taken on this issue.

At the end of this week, the government intends to roll out their plan to lift the lockdown. **We thus write to request that the Home Office take a staged approach to resuming reporting conditions.**

The charity Migrants Organise has recently carried out research (copy enclosed) into the current system which shows that reporting conditions can be, and are often, inappropriately placed on vulnerable¹ individuals. **As of 13 September 2019, more than 83,000 people or 76.4% of individuals who were placed on immigration bail were given reporting conditions.² In 2018 the rate of absconding was only 3%.³**

We believe that the current suspension of reporting conditions would allow the Home Office to carry out a much-needed review of how reporting conditions have been working.

As highlighted in the research by Migrants Organise, we are concerned that reporting conditions have been applied in a blanket way, without adequate acknowledgment of the substantial burden that reporting places on many individuals. Reporting conditions can be imposed without suitable assessment of individual vulnerability, risk, disability and equalities issues. In our collective experience working in this sector, the impact of immigration reporting on vulnerable people can be substantial and harmful.

Migrants Organise Research

The main findings of this research report are that:

- There are policy, guidance and training gaps. There is no overarching framework giving detailed guidance for when reporting conditions would be inappropriate in light of an individual's specific circumstances and particular vulnerabilities. As a result, reporting

¹ Vulnerability is context specific. In the context of immigration reporting some people are more vulnerable due to inherent characteristics and some due to circumstances, such as destitution combined with very long and costly travelling requirements in order to report taking a toll on long-term financial and mental health.

² Based on our experience we believe it is likely that many/most of those who are placed on bail and not given a reporting condition are young children.

³ *Evaluation of Home Office Reporting Conditions*, Migrants Organise, January 2020
<https://drive.google.com/file/d/10ITc34AMDY8JeYcVUOQYwZ3WlfpRSUF/view>

conditions are often imposed apparently without any regard to less burdensome alternatives, which is disproportionate.

- Reporting conditions can place an unreasonable physical, psychological and/or financial burden on individuals. They have been imposed on vulnerable individuals, including: unaccompanied children and young people, those with mental and/or physical disabilities, and victims of torture and trafficking.
- Individuals have experienced degrading and discriminatory treatment at reporting centres.
- Inappropriate reporting conditions are often imposed, examples including requirements to report with an unreasonable frequency or over a distance that is extremely burdensome and costly.
- There is a lack of clarity on how to challenge or vary a reporting condition. Requests to vary or discontinue reporting conditions often appear to be ignored altogether. When a decision is made, it is often only communicated verbally (even where the request is made in writing) reducing accountability and transparency.

Request for a Review of Reporting Conditions

Reporting conditions are currently not in operation due to Covid-19. We are asking that they are not re-imposed on vulnerable people. In practical terms, we are requesting **that reporting is not resumed in a blanket way, but instead, in a staged way where the appropriateness of each reporting condition is reviewed.**

For survivors of torture, human trafficking/modern slavery and other forms of severe abuse, the very process of reporting can be re-traumatising and distressing. It can also trigger a deterioration in mental health, including suicidality. Fear of the authorities is common amongst survivors of state torture and human traffickers/abusers may use fear of immigration/the authorities as a means to manipulate and control survivors of abuse.⁴

There are certain kinds of cases where it is clear that immigration reporting conditions are disproportionate and that other, more appropriate, conditions could be imposed. The examples set out below are not an exhaustive list.

- a. **Asylum seekers making their first claim** – this cohort has every motivation to keep in touch, are particularly vulnerable since many are recent survivors of torture, and there is no evidenced need or benefit to imposing reporting conditions on this group in the current blanket way. Reporting for this cohort is stressful and burdensome – asylum seekers may not be confident using UK public transport, may be destitute and if the Home Office wishes to interview an asylum seeker they can invite them for an appointment anyway. Asylum seekers often have limited understanding of the legal system and can be bewildered by a reporting system that

⁴ Fear of the authorities is an explicit indicator of human trafficking within the National Referral Mechanism, for example.

restricts liberty rather than being coordinated with the system to grant the protection they are seeking.

- b. **Children** – reporting is never in the best interests of the child. Consideration should also be given to removing reporting requirements for parents who will have to bring children with them to reporting events.
- c. **Those housed by local authority social services departments or accommodated by the NHS** – these are some of the most vulnerable people in the United Kingdom, for whom reporting creates considerable, disproportionate hardship – this group includes very severely disabled adults (including those currently or recently detained under the Mental Health Act), looked after children/care leavers and families with young dependent children in need. They are all housed by a statutory service and updates about them can be obtained from that service and so a residence condition with a duty to notify of a change in circumstances should be sufficient.
- d. **Those in Asylum Support or Home Office accommodation** – these are individuals actually housed by the Home Office, so the Home Office knows where to find them and so once again a residence condition would often be more appropriate. Home Office accommodation is regularly in lower-cost housing areas, which can lead to long and arduous journeys to reporting centres, when people in this kind of accommodation will by definition have very minimal income. Many are also survivors of torture, trafficking and other forms of severe abuse with safeguarding needs.
- e. **Victims of modern slavery/human trafficking** – those in the NRM face additional safeguarding risks when asked to report, because the transit and reporting processes can expose them to risks of re-trafficking. In addition, a fear of the authorities is an indicator of trafficking and the distress caused by a reporting condition interferes adversely with survivors' reflection and recovery periods. These individuals are also living with minimal income and are vulnerable to exploitation if placed in debt to attend reporting events. Trafficking Safe Houses are often a very long way from any reporting centre and survivors risk getting lost, which increases anxiety and distress and potential for re-trafficking or other forms of further exploitation.
- f. **Those with a disability or medical condition** which makes reporting inappropriate because it would be particularly difficult, arduous, painful and/or disproportionate. This includes those with a severe mental illness such as Post Traumatic Stress Disorder, psychosis, depression, anxiety disorder or bipolar disorder, those with developmental disorders such as Autism which impact on the appropriateness of a reporting condition, those with cognitive impairments/learning difficulties and those where medical conditions markedly limit mobility and exercise tolerance.
- g. **Pregnant women** – there is already some willingness to exempt women from reporting just before or after the due date for giving birth, but pregnancy can have a substantial impact on the

appropriateness of a reporting condition even at earlier stages. For example, pregnant women risk missing key clinical appointments or may experience chronic morning sickness. Women who have experienced miscarriages may be very distressed at having to make potentially very long journeys away from their support networks during pregnancy.

- h. **Those who have already reported for six months or longer** – reporting is arduous for individuals and over time an open-ended reporting condition can place a huge burden on individuals, in time, money and sacrifices of other opportunities, such as education and volunteering. We recommend that six months be treated as a significant period of time for a regular/frequent reporting condition to be complied with and 12 months as a long time. We would ask that individuals should not be subjected to open-ended restrictions on their liberty and freedom of movement and instead should be moved to infrequent reporting or the condition should be removed once they have demonstrated compliance, particularly where the person has a pending claim and the delay is the result of Home Office backlog in decision-making.

Additional Measures

In addition to not requiring vulnerable people to re-start reporting, there also needs to be additional measures which would ensure that the Home Office safeguards the most vulnerable in the future. These include:

1. Updating the Immigration Bail guidance for immigration officers to include **a clearer overarching framework on when and how a proportionate approach to bail decisions should be taken**, including a mechanism to permit the making of clearly foreseeable reasonable adjustments for individuals with a disability.
2. **Creating a pro forma document for GPs** to indicate whether an individual's bail condition should be suspended, varied or removed on medical grounds. Alternative forms of evidence should also be accepted, for example from support workers and social workers. This is necessary because GPs can charge £50 per letter, placing medical evidence outside the reach of many people receiving asylum subsistence support or who may have no income at all. There can also be very significant delays in obtaining medical evidence from GPs.
3. **An accessible means of claiming financial support.** The current Reporting and Offender Management policy provides for the provision of financial support to cover travel and childcare cost for those who are destitute. In reality however, the process for claiming expenses is extremely difficult to access. This results in people having to go without food in order to report or undergo other inappropriate hardships or risk fare evasion convictions. Because failing to report can itself be a criminal offence, destitute people are left in an extremely difficult position. We would therefore also ask that a travel expenses claim form be introduced to make this process more accessible for those who need this.

4. **A clear complaints and safeguarding procedure.** Some individuals report discourteous and even discriminatory treatment during reporting events and in the context of such a clear power imbalance between Home Office staff and reporting individuals there is a clear risk of perceived impunity in this. There needs to be increased accountability and a more accessible and trusted complaints and safeguarding procedure needs to be made available for all individuals who are reporting.
5. **A clearer communication on how to challenge or vary a bail condition, and to request support.** Many migrants who we work with do not know how they are able to request for a variation of their bail conditions. When their reporting conditions become burdensome, they often complain informally to an officer during their reporting event but their requests are rarely considered. We recommend setting up an independent advocacy and communication service, such as Migrant Hel. This will help ensure that vulnerable individuals are able to speak to an appropriate person where necessary to help request a review of their reporting condition, a reasonable adjustment, obtain financial support or raise a complaint.

We have enclosed a copy of the Migrants Organise research report on reporting conditions from January 2020 with this letter. For context, we have also enclosed a copy of our letter dated 17 March 2020, with a list of cosignatories from the third sector, the reply we received to this letter and a clinical concern letter from the Helen Bamber Foundation dated 18 March 2020.

Yours sincerely,

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