



**Craig Whittaker MP**

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### **Detention of Torture Survivors**

Thank you for contacting me about immigration detention and survivors of torture.

As a Whip, I am a member of the Government and so cannot, by convention, sign Early Day Motions. That said, this is a very important issue involving survivors of appalling and traumatic abuse and the Government fully understands that.

The adults at risk in immigration detention policy came into force in September 2016 and was part of the Government's response to Stephen Shaw's review of the welfare of vulnerable people in immigration detention. The policy strengthens the existing presumption against detention, and is based on a case by case assessment of the appropriateness of detention for each individual, depending on the nature and evidence of vulnerability available in their particular case. It involves a balancing of vulnerability considerations against immigration factors (how soon removal is due to take place, public protection concerns, and compliance with immigration law). If an individual is identified as being at risk, they will be detained only when the immigration factors outweigh the evidence of risk.

Victims of torture and victims of sexual or gender based violence, along with a number of other groups of vulnerable individuals, already fall explicitly within the scope of the policy. Although individuals who have suffered severe physical or psychological violence are not explicitly referenced, it is highly likely that such individuals would in any case fall within its scope in that they would meet one of the other indicators of risk set out in the policy (for example, suffering from a mental or serious physical health condition). The policy is supported by the cross-cutting Detention Gatekeeper team which assesses vulnerability and challenges decisions about who enters immigration detention in terms of their vulnerability, and also scrutinises prospects and speed of removal.

The follow up to the independent review by Stephen Shaw into the welfare in detention of vulnerable persons started in September 2017. As part of this, Mr Shaw will be assessing the implementation of all of his earlier review recommendations. Similarly in light of the High Court judgment to which you refer, the Government is actively considering how it can best address the Court's findings in respect of the adults at risk policy.

While it is important that the time any individual spends in immigration detention is kept to a minimum, detention remains an important part of the process for enabling returns, and it is essential the Government maintains a robust and workable immigration system which ensures that those with no right to be here leave the UK.

Thank you again for taking the time to contact me.

Kind regards,

Craig Whittaker MP