

The Detention Forum



Key messages on a time limit for immigration detention

March 2023

Currently there is no limit on the length of time that people can be detained for immigration purposes in the UK. People can and do have their liberty taken away from them indefinitely.

Britain has a long tradition of legal protection for civil liberties. This tradition is undermined each day that migrants are detained without a time limit. Many people experience long-term damage to their physical and mental health. Their families also experience the distress of separation. Detention without time limit damages the UK's international reputation for defending human rights.

We want to see an end to the use of immigration detention and know that there is a compassionate and practical alternative, but in the immediate term we want to see a time limit of 28 days introduced for immigration detention.

We support close judicial oversight during those 28 days along the lines of amendments to previous immigration legislation. The previous amendments set 96 hours as the maximum time anyone could be detained without judicial oversight, and requires the Tribunal to grant bail at 96 hours maximum, unless removal directions are set for the following 14 days (with the flight actually being booked) and there are no barriers to removal actually happening. Then it sets 28 days as an absolute max detention limit (including re-detentions).

The case for a time limit

Health

Detention's damaging impact on mental health is widely recognised, it begins on day one and after 30 days of incarceration there is a rise in the severity of harm. Setting a time limit under 30 days can protect people in detention from this significant level of harm.

Logistics

The Home Office's own guidance indicates it can predict that removals can take place within a time period of 28 days (four weeks) when certain conditions are met. This applies even in complex cases dealt with by the Criminal Case Directorate.

Justice

In the public health, counter-terror and criminal justice systems, where individuals face the possibility of detention without charge, 28 days or lower is considered an acceptable upper limit. 28 days provides sufficient time for the government to achieve its aims while recognising that there should be limits on its power to deprive individuals of their liberty.

Economic

The UK has one of the largest detention estates in Europe. We are the only country in Europe not to have a limit on how long someone can be detained. It costs about £30,000 to detain a person for a year. Research by Liberty found that a 28-day time limit could save the tax payer up to £35m per year net.

There are alternatives

Alternatives to detention are cheaper, more effective and avoid the harm of detention. States that work with migrants in the community to resolve their cases have found that most comply with immigration requirements, for a fraction of the cost of detention. We think that immigration can be dealt with in a supportive environment without the current dependence on locking people up – it is time for an alternative