

Asylum seekers sue UK over unlawful detention

Claimants include victims of torture arrested under guidance from the Home Office between 2014 and 2017

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A group of asylum seekers, including victims of torture, who were illegally detained in the UK are suing the Home Office.

More than 20 people have launched a claim for compensation, which lawyers believe could be owed to thousands held unlawfully between January 2014 and March 2017, a time when concerns about the government's "hostile environment" policy towards migrants were paramount.

The claimants were arrested and detained by the UK Border Force under Home Office guidance and the Dublin III regulation, which states that refugees must claim asylum in the first EU country in which they arrive.

The regulation permitted the detention of asylum seekers before they were returned to the country of their arrival in Europe – but only if there was a significant risk of them absconding and if it was proportionate.

In November 2019 the supreme court found that the Home Office policy was unlawful and ruled that the claimants were entitled to substantial damages.

Among the claimants is a Sudanese national arrested and tortured in Sudan on suspicion of being loyal to an opposition political party. Another is an Iranian national arrested and tortured in an Iranian prison for his political activities.

“Many of our clients are vulnerable individuals who were forced to flee their countries not out of choice, but due to the most horrific experiences which most of us in the UK will fortunately never witness, let alone experience,” said Waleed Sheikh, a solicitor at the law firm Leigh Day, who is representing the claimants.

“Having made the brave and perilous journey from across the world, in the hope of finding safety and a secure future in a free country, they were instead put into detention centres.”

He said it was likely that thousands of other asylum seekers in Britain are also entitled to make a claim.

Sheikh added: “But it is difficult to trace them. Some are now abroad and many do not speak English. And there is no obligation for the Home Office to contact those who were held illegally.”

It is estimated that the department may have to pay £8,000-£10,000 for each month a claimant was held. Other factors, such as the detention's contribution to any health problems, could increase the payouts.

A Home Office spokeswoman said: “The individuals in question were only detained to facilitate removal to a safe European country. We took immediate corrective action in March 2017 to ensure that we remain able to detain those in a similar position, who we determine are at risk of absconding.”

The spokeswoman stressed that the department was committed to fixing a “broken asylum system, to make it firm and fair”.

But Sheikh questioned this commitment. “The hostile environment has not just been tolerated but nurtured and championed by successive home secretaries. That it should then foster a culture within the Home Office of dehumanising asylum seekers, of detaining almost by default and without proper checks, should surprise no one.”

<https://www.theguardian.com/uk-news/2020/oct/25/asylum-seekers-sue-uk-over-unlawful-detention>