



Home Office

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Brook House Independent Monitoring Board /  
IMB Charter Flight Monitoring Team

By Email:

**DPA**

25 November 2020

Dear Mary and Lou,

Thank you for your email correspondence of 2 October about the Independent Monitoring Boards (IMBs) concerns relating to the impact of Dublin Convention charter flights on detained individuals at Brook House immigration removal centre (IRC).

On 12 August 2020, the Home Office resumed charter flight activity following a brief pause as a result of the COVID-19 pandemic, to remove individuals whose claims fell for refusal in the UK under the Dublin III Regulation ('Dublin'). Dublin is a long-standing mechanism between EU Member States, which determines the State responsible for examining asylum claims and allows for asylum claimants to be transferred into and out of the UK, where responsibility for examining an asylum claim lies with the UK or with another EU Member State or Associated State. We operate Dublin Returns in compliance with the policies and procedures, as provided for under the Common European Asylum System. To date, men scheduled for removal on these charters have been detained at Brook House and Colnbrook IRCs, before being escorted to scheduled flights.

Formal requests are made with the Member countries ahead of removal where they accept responsibility for the claimants in accordance with the Dublin Regulations with the dates and times of return flights agreed in advance. All returnees are handed over to the relevant Border Authorities on arrival. Article 18 of Dublin III sets clear obligations on the responsible (receiving) State. The responsible State shall examine the claim, the first step being the registration of a new claim according to national procedures. Where individuals have a previous claim in the responsible State, Dublin III stipulates that they re-join the asylum procedure where they left off.

I should reinforce that detention and removal are essential parts of effective immigration controls. It is vital these are carried out with dignity and respect and we take the welfare of individuals in our care very seriously. Our priority is to keep the use of immigration detention to a minimum, ensuring decisions to detain, and subsequent decisions to maintain detention or release, are well made, with systematic safeguards and support for the vulnerable.

All incidents of self-harm are treated very seriously, and every step is taken to try and prevent incidents of this nature. As you will be aware, there are established procedures in place in every IRC and Short-Term Holding Facility to minimise instances of self-harm with formal risk assessments on initial detention and systems for raising concerns at any

subsequent point. Those refusing food or fluid are managed in line with the Detention Services Order 3/2017, 'Care and Management of Detainees Refusing Food and Fluid' and monitored closely. Nonetheless, these people are in the UK illegally and we continue to seek their removal, with the appropriate safeguards in place.

I appreciate your concerns about outstanding requests for healthcare Rule 35 appointments at Brook House. The Detention Centre Rules do not dictate the timeframe within which a healthcare appointment (including those which may give rise to a Rule 35 report being submitted) should be made, however it is accepted that these should be facilitated within a reasonable time. Additional Rule 35 appointments have been made available and vulnerabilities may also be reported by any member of IRC staff through other established channels or engagement. Additionally, all individuals who have been placed on the manifest for a charter will be assessed by a healthcare professional before they leave the immigration removal centre.

I should also highlight that any delays with Rule 35 assessments, though regrettable, do not impede our ability to consider a person's immigration case in full. Rule 35 reports are considered by the Home Office for the sole purpose of determining the suitability for continued detention, and not the appropriateness of ongoing enforcement action or the merits of an immigration case. There are established channels by which individuals can raise representations regarding their immigration case, the process for which is explained in immigration paperwork, at IRC induction and facilitated through engagement with the onsite Detention Engagement Teams.

The Dublin Regulation set limits on the time in which a return can be completed and the maximum time a person can be detained for the purposes of their return. If someone is in the UK illegally and has chosen not to make a voluntary return, it may be necessary to enforce their departure from the UK. We only remove people when it is safe to do so, and public health guidance is adhered to on all removal flights. Those on the flight are seen by a healthcare professional before they are returned and anyone who is not well enough to travel would be removed from the flight.

The use of charter flights is a standard part of immigration enforcement activity, and they are used by many other countries, not just the UK. We use charter flights as well as regular scheduled flights, to best meet operational needs and maximise value for money. The UK only ever returns those who both the Home Office and, where appropriate, the courts are satisfied do not need our protection and have no legal basis to remain in the UK.

The UK has a long and proud history of providing protection to those who need it, in accordance with our international obligations. Tens of thousands of people have rebuilt their lives in the UK. As the Home Secretary said in her recent speech to the Conservative Party Conference, the asylum system is broken, and we stand by our obligations to safeguard the most vulnerable people fleeing oppression, persecution and tyranny. These people are in the UK illegally and we continue to seek their removal, with the appropriate safeguards in place.

Yours sincerely,

**Signature**

**Chris Philp MP**  
**Minister for Immigration Compliance and the Courts**