

# **Napier Barracks: the inhumane reality**

an in-depth report of the experiences of men held  
in quasi-detention at Napier Barracks

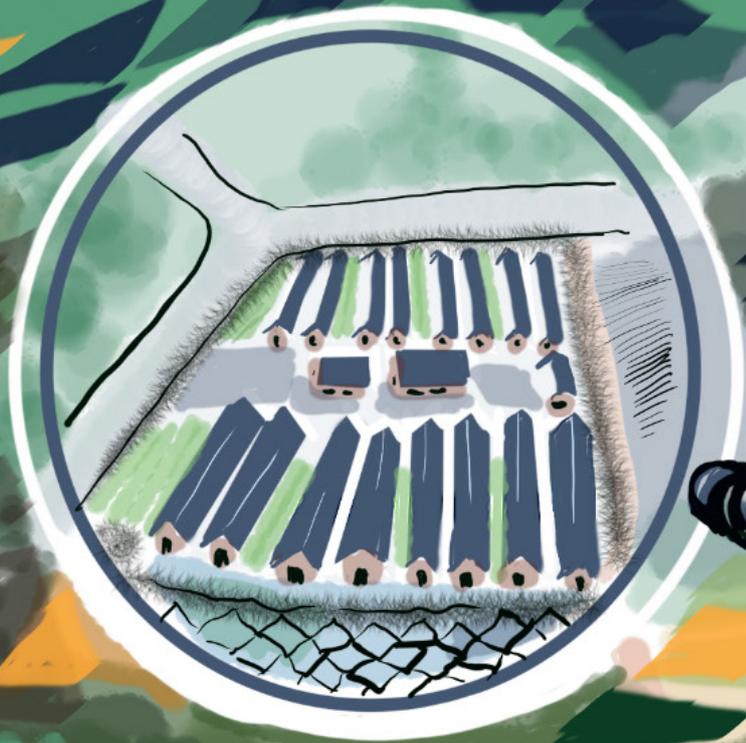


## **Acknowledgements**

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## Visualising Napier

The site is surrounded by an eight-foot-high fence. One enters the site through a large, heavy door in the fence, opened by security guards. On the right as you enter, there are accommodation blocks, sleeping up to 28 per block – dormitories of up to 14 people are differentiated by partitions. To your left, there are single storey buildings.<sup>33</sup> Ahead as you enter is a concrete courtyard. There are two picnic tables on the edges of it.



Sandgate

## FOREWORD

Throughout my life, I have acquired different identities, and each has carried their own unique adjectives. Once I was a smart student who was passionate about literature and history, spent years painting landscapes and portraits, then a hardworking social worker who wanted to aid those who were in need and empower those who were left behind. And one day I was just an “illegal immigrant”, an “invader”, “swarm” or whatever they call people like me from newspapers to the halls of the Houses of Parliament. Truthfully, I had not cared about this kind of language until I became a subject of it. Then I realised these are not just words. They build a completely new identity, which then justify how you will be treated, seen and talked about. The language that dehumanises people makes it seem acceptable to place them in inhumane conditions and cut off from society. Acting as if they are criminals by putting them in a disused army camp, surrounded by barbed wire fences and keeping them under their constant watch. Accommodating around 30 in each block with no privacy and having them to share only 2 toilets and 2 showers in total. All of these and more, played their role in dehumanising us and crushing our dignity and decency.

I was in Napier Barracks for more than 2 months. I waited for a decision on my asylum claim for almost a year and a half. I am now looking back at what I have been through and think how traumatising that experience was. The whole asylum process was traumatising, and Napier Barracks was emblematic of that. Even though I got out of that system, started working as a professional and have built my life, I still carry the pain, fear, and trauma I experienced. There are still people, who are going through that degrading experience at Napier Barracks. People who are dealing with trauma, anxiety and limbo but still hear the slogans of those who legitimise the dire situation they are dealing with. Living that life is not easy. No one would choose to flee their home country, family and friends and cross the channel to experience a life like that, unless the situation back home is so unbearable that they are left with no other option. Yet the government still create such a hostile environment, and others still support it.

This report sheds a light on how it is to live a life like that and how it affects our mental health. It does so even long after we get out of the system, something that is hard to predict. What you are going to read in this report is a window into an experience in Napier Barracks. It is important to bear in mind, human beings who have had their own identities before being labelled as “Illegals”, “Invaders” experience all these. Those words set a new tone and attitude that stigmatise and justify discrimination.

Amid a wider attack on refugees and the very principle of asylum, the government wants to make asylum camps like Napier Barracks the new normal for asylum accommodation. It would not do this if it really looked at the human beings it was doing it to.

Erfan



*Erfan resided in Napier Barracks for several months shortly after it opened. He has consistently worked to shine a light on the reality at Napier.*

## EXECUTIVE SUMMARY

This report shines a light onto the experiences of people placed in the asylum camp at the disused Napier Barracks in Kent. The Barracks were repurposed as accommodation for people seeking asylum in September 2020, and have since been used to accommodate single men in the early stages of the asylum process. This kind of asylum accommodation – large-scale, institutional, in an out-of-town camp, and so accommodation in a quasi-detention setting – was new in the UK. The site rapidly became mired in problems, including a serious COVID-19 outbreak and a fire. In June 2021, the High Court ruled that Napier did not meet the minimum legal standards for asylum accommodation. The Home Office claims to have made many improvements since then.

JRS UK ran an outreach service to Napier for two years from October 2020. What we saw on the ground was deeply troubling: the site was bleak and rundown, the setting was securitised, the accommodation was crowded. This all took a serious toll on mental health. This report seeks to amplify the voices of the men placed at Napier, and to examine Napier in a period post-dating the High Court judgment. It is based on in-depth conversations with people who were or had been at the camp in 2022.

Key findings were:

- **Taken to an unknown place.** People were routinely brought to the camp without their prior knowledge, and this caused deep anxiety.
- **A daily struggle.** Life at the camp was very difficult. The camp was noisy and crowded, and sleeping quarters comprised of large dormitories. Absence of privacy, and connected sleep deprivation, were structuring features of life at Napier. At the same time, Napier felt like a prison to many participants, partly because of its physical setting, and partly because daily life there is tightly regimented. Many participants were forced to relive trauma at Napier, closely bound up with its physical camp setting, and its military and prison-like features. All of these things together were deeply damaging to people placed at Napier. Sleep deprivation, a total absence of privacy, and re-trauma from Napier's institutional setting were mutually reinforcing, and had a profound and cumulative corrosive impact on physical and mental health.
- **Failing those with vulnerabilities.** There were serious failures in screening for vulnerabilities at Napier, and survivors of both trafficking and torture continued to be placed and remain there, in contravention of the government's own guidelines. Additionally, there are serious inadequacies in welfare support, and individuals face significant barriers to accessing healthcare.
- **Lack of legal advice.** It was also very difficult, sometimes indeed impossible, to secure legal advice whilst at Napier, and what legal representation was secured was frequently inadequate. This sits in the context of a wider crisis in asylum legal advice, but is made much worse by the fact that hundreds of people seeking asylum have been ghettoised in a relatively remote location.

These findings offer a window into a period supposedly post-dating many improvements to the site, following a June 2021 ruling from the High Court, which found key aspects of Home Office practice around the site unlawful. However, our findings in most respects reflect JRS UK's experience of accompanying people at Napier over two years beginning just after it opened, and indeed echo the criticism of the High Court and other public bodies; much of the struggle experienced at Napier seemed unaffected by the changes that had been made, largely because the deepest problems with Napier are inherent in the nature of the accommodation.

The most significant change to the regime at Napier since the High Court ruling is a time limit of 90 days. This did indeed shape life at Napier. It offered a source of resilience, whilst at the same time, research participants' intense focus on the time limit underlined how much Napier was experienced as a trauma to be endured. For many, Napier's key redeeming feature was that people knew they wouldn't have to be there very long. Being at Napier remained deeply damaging, even for a time-limited period.

Our report follows not only reports from Her Majesty's Inspectorate of Prisons (HMIP) and the All Party Parliamentary Group (APPG) on Detention, but also important research from other NGOs highlighting serious problems with Napier. It is published as the latest in a growing body of evidence that Napier is harmful as asylum accommodation. It shows that the deepest problems at Napier camp have not been, and cannot be, resolved by moderate improvements in conditions, but are inherent in this style of accommodation.

Napier camp is harmful to those placed there, and is especially inappropriate as asylum accommodation. Napier represents a kind of large-scale, institutional asylum accommodation that is new, and still unusual, in the UK, but the government plans to roll it out more widely. This report demonstrates that such a move would be deeply destructive.

## RECOMMENDATIONS

- 1. Napier Barracks must be immediately and permanently closed.**
- 2. Plans for greater use of large-scale institutional asylum accommodation centres must be abandoned.**
- 3. Asylum seekers should be provided with safe and dignified accommodation within British communities.**

## 1. INTRODUCTION

In September 2020, the government utilised emergency planning powers to redeploy the disused Napier Barracks on the outskirts of Folkestone in Kent as asylum accommodation. Men seeking asylum have since been placed there. This was unusual – people seeking asylum had not previously been accommodated in camp-like settings in the UK. Napier camp is bleak and rundown. Its sleeping quarters are crowded and uncomfortable. Napier was built 130 years ago. Previously, it was used to accommodate military personnel for short periods of 1-2 weeks.<sup>1</sup> Since the site opened as asylum accommodation, serious humanitarian issues have been a recurring feature.

### 1.1 The Research Project

We have witnessed the profoundly damaging effect that placement in Napier has on human lives. This report seeks to shine a light on the human reality of Napier camp, and amplify the voices of those at the camp. We wanted to understand Napier from the perspective of those placed there. To do this, we conducted 17 semi-structured interviews with people placed at Napier and formerly placed at Napier, between July and November 2022. All research participants had been at Napier in 2022.

Our organisational experience at Napier dates from when the site first opened as asylum accommodation, and covers the period of the COVID-19 lockdown, and the point at which the High Court judged that the site did not meet the minimum requirements for asylum accommodation. Since then, the Home Office claims it has made many improvements. Against the backdrop of mainly superficial changes, we have seen much continuity, which is rooted in the institutional nature of the accommodation. This research covers the period after the High Court's judgment allowing us to examine the impact of changes introduced by the government in response to the High Court criticisms of the site. The research is supplemented by experience from our teams who have worked at the site over two years.

Many of the participants we spoke to said to us that they felt powerless, and not entitled to have expectations. Asked if there was anything he found difficult about the camp, one young man replied: "It's not a very comfortable question because if I'm the person receiving help I can't complain." Sometimes, participants were afraid complaining would damage their asylum case: "[the] most important thing I want is Leave to Remain. I'm not complaining about anything." Others had been told by the Home Office not to complain or speak out.

They had been told that their experiences did not matter and they should be silent. Our hope is that this report can help make their voices heard.



### 1.2 Context and History of Napier as an Asylum Camp

#### 1.2.1 The COVID-19 pandemic

The Barracks were first redeployed as asylum accommodation in the midst of the Coronavirus pandemic, against the advice of Public Health England who considered that there was too high a risk of infection spreading in such crowded quarters. Very little

was done to mitigate the risk of COVID-19 at the Barracks, at which social distancing is impossible.<sup>2</sup> There was a serious outbreak of COVID-19 at Napier Barracks in late January 2021. Many subsequent outbreaks followed. During the first COVID-19 outbreak, those placed at Napier were ordered not to leave the site at all. At least once, someone who left the site was forcibly returned by the police.<sup>3</sup> The people accommodated there were therefore literally incarcerated in the Barracks.

### 1.2.2 JRS UK's work at Napier

JRS UK's Detention Outreach team offered practical and pastoral support to people at Napier from October 2020. Repeatedly, they witnessed a deterioration in mental health over the time that people were at Napier, closely mirroring what they saw in detention. People who were at first cheerful, outgoing, and able to engage with the world withdrew and became depressed and anxious. Furthermore, many individuals placed at Napier were especially vulnerable. This included victims of torture and trafficking, people with suicidal ideation, and age-disputed minors – that is, children whom the government believed to be adults. Additionally, it was very difficult to access basic services, including healthcare, whilst at Napier.

### 1.2.3 Speaking out against Napier

Some of the people placed at Napier Barracks sought to speak out against conditions there. A group organised a peaceful protest against the conditions at Napier. One of the organisers, Milad, described how a police officer went round the site, explaining that anyone who attended the protest would be arrested and jailed. In the end, no one attended.<sup>4</sup> We found instances of people being told that if they spoke out against conditions there, it would negatively impact their asylum claim.

### 1.2.4 Fire at Napier

A serious fire broke out at the camp at the end of January 2021. Fire safety inspectors had raised concerns about the safety of the site in November 2020, but these had not been addressed.<sup>5</sup> Despite this, the government placed the blame for the fire at Napier at the feet of those held there. 14 people placed at Napier were arrested in connection with the fire, but only one was charged, and the charges against him were later dropped. The 13 arrested but not charged were released to Tinsley House Immigration Removal Centre (IRC). Tinsley House is normally used to detain people formally under immigration powers and, like most IRCs, is built like a prison. However, in this case, it was ostensibly being used as 'accommodation' for the men previously at Napier.<sup>6</sup> The decision to bail them there was made by the Home Office, not the police. It is hard to escape the conclusion that this was a punitive act on the part of the government.

### 1.2.5 The High Court Judgment Against Napier

Some of the men held at the Barracks took the government to court, and in June 2021 the High Court found that the government had acted unlawfully in the following ways:<sup>7</sup>

- the accommodation at Napier Barracks did not meet the minimum standards for asylum accommodation;
- there were serious failures of screening for vulnerability both before moving people to, and at, Napier camp;
- when residents were ordered not to leave the site they were unlawfully detained. The judge remarked in connection to this that Napier felt like a prison.

The High Court ordered the Home Office to make improvements at Napier.

### 1.2.6 HMIP and APPG on Immigration Detention raise serious concerns about Napier

The High Court judgment was followed by two major reports raising serious concerns about Napier Barracks, examining roughly the same period: i) Her Majesty's Inspector of Prisons (HMIP) report on Napier Barracks and Penally camp, conducted at the request of the Independent Chief Inspector of Borders and Immigration and raising safeguarding concerns;<sup>8</sup> and, ii) a report from the All Party Parliamentary Group (APPG) on Immigration Detention<sup>9</sup> inquiry into "quasi-detention".<sup>10</sup>

***Increasingly, spaces in which asylum seekers are accommodated replicate important features of detention. Napier is a key example: large-scale, institutional accommodation, relatively isolated from wider communities, in which people's freedom is limited. At the same time, people are not formally detained. Contexts like this can meaningfully be described as "quasi-detention".***

Several former residents of Napier took the opportunity to speak to the APPG inquiry and shine a light on the situation at Napier. JRS UK was also among organisations giving evidence to the APPG. The APPG's findings, published in December 2021, were scathing. The report concluded: *"No person fleeing persecution and danger should be treated in this way... It is clear that there are certain features inherent to quasi-detention sites – and other large-scale, institutional settings – which jeopardise the mental health and wider well-being of the people seeking asylum accommodated there, and make them fundamentally unsuitable for use as asylum accommodation."*<sup>11</sup> The APPG recommended the immediate closure of Napier Barracks.

### 1.2.7 Napier, the "New Plan for Immigration" and the Nationality and Borders Act 2022

The use of Napier Barracks to accommodate asylum seekers is part of the government's *New Plan for Immigration*,<sup>12</sup> an initiative to ratchet up hostility within an already hostile asylum process, and occurs alongside a wide range of policy and legislative measures designed to create barriers to seeking asylum. In summer 2021, the government confirmed that it was using Napier to trial 'basic' centres to accommodate asylum seekers.<sup>13</sup>

The Nationality and Borders Act 2022 (NBA), embedding the New Plan for Immigration into primary legislation, contains extensive provisions for the use of such centres. The government, under successive recent prime ministers, has repeatedly confirmed that it is seeking new sites for more, similar centres<sup>14</sup> The Barracks-turned-asylum-camp is part of a plan to roll out institutional accommodation centres for people seeking asylum.

### 1.2.8 Napier, asylum processing and the immigration detention estate

In April 2022, the then-Prime Minister announced plans to expand immigration detention facilities.<sup>15</sup> This represents a clear reversal of practice and policy: after growing exponentially since the start of the century, the detention estate's capacity reduced by around 40% between 2015 and 2019.<sup>16</sup> Since 2016, the government has an avowed aim of reducing the detention estate.<sup>17</sup> Now, it is committed to expanding it.

Correspondingly, the NBA creates fresh processes for determining asylum claims in detention.<sup>18</sup> The new Home Secretary has similarly indicated she intends to increase the use of detention.<sup>19</sup> At the same time, detention for prolonged periods is becoming a routine part of initial asylum processing.

A detention facility for initial processing of asylum claims opened at Manston airport in Kent in spring 2022 and has already led to humanitarian catastrophes, with hundreds of people

sleeping on the floor of tents in winter, for days; an outbreak of diphtheria; and the death of one person whilst incarcerated there.<sup>20</sup> The government has recently used secondary legislation to relax rules around 'short-term holding facilities' – detention facilities designed to hold people only for very short periods – so that they have fewer safeguards.<sup>21</sup> The events at Manston ought to have led them to do the opposite.

### 1.2.9 Inappropriate use of emergency powers

Despite it forming a key part of a well-publicised plan, the government relies on emergency powers to use the former Napier Barracks site as asylum accommodation. Not only was it initially opened using emergency powers, but after publishing the New Plan for Immigration and publicly admitting that Napier was being used to trial the asylum centres mentioned therein, the government again used emergency powers to extend the use of the site for a further 5 years.<sup>22</sup> This allowed it to circumvent normal planning procedures and the consultation with local government and community that those entail.

This should be set in the context of proposed new legislation which would make it easier for national government to circumvent local government and community views when opening new asylum centres.<sup>23</sup> The use of asylum centres is a sweeping policy change, with significant and multi-layered implications for asylum and refugee policy, and for society as a whole, but it is being implemented in a top-down way without proper scrutiny.

### 1.2.10 Napier amid longer-term issues with asylum accommodation

People seeking asylum are banned from working or claiming mainstream benefits. If they would otherwise be destitute, the Home Office is obliged to accommodate them.<sup>24</sup> For the last two decades, it has routinely done this by outsourcing to private contractors. These have often been found to communicate poorly with the communities in which asylum accommodation is situated, and poor conditions in asylum accommodation have long been prolific.<sup>25</sup> During the pandemic, use of hotels and hostels became even more widespread, and continues to be so. Failure to process asylum claims efficiently has created a backlog in dispersal accommodation, making it routine: at the end of December 2022, 160,919 people were awaiting an initial decision on their asylum application.<sup>26</sup>

Hotels have in common with Napier that they are settings in which people are cut off from local communities and cannot exercise full control over their day-to-day lives.<sup>27</sup> There is good evidence that institutional accommodation has very negative impacts on asylum seekers.<sup>28</sup> The government sometimes contrasts asylum camps like Napier with hotels, presenting asylum camps as a solution to the overuse of hotels.<sup>29</sup> This perspective among other things ignores their distinctive shared features.

### 1.2.11 The Illegal Migration Bill

At the time of going to press, the government's *Illegal Migration Bill*, which seeks to bar anyone who arrives in the UK without immigration leave from asylum in the UK, and to mandate their detention and removal, has passed second reading in the House of Commons. It represents a further, profound attack on the very principle of seeking asylum, potentially amounting to a ban on asylum, and, if enacted, would create sweeping new detention powers and entail further expansion of the detention estate.



## Napier Barracks: the inhumane reality

In this layered context, Napier and proposed sites like it represent a form of “quasi-detention”, to sit alongside an expanded detention estate, so that, one way or another, people seeking asylum are confined to prison-like spaces, and held apart.<sup>30</sup>



In December 2022, an influential thinktank close to the Conservative Party published a report recommending, among other draconian measures: “Open-ended detention in communal accommodation, such as Napier Barracks, should be made the norm for asylum seekers and illegal entrants awaiting relocation to Rwanda or their country of origin.”<sup>31</sup> The foreword to the report was written by the Home Secretary herself. When announcing the *Illegal Migration Bill*, the Home Secretary stated that the government were “procuring accommodation, including on military land, to end the farce of accommodating migrants in hotels”.<sup>32</sup> There is a strong political impetus to push refugees, more and more, into spaces like Napier. What follows shows how profoundly destructive this would be.

## 2. KEY FINDINGS

### 2.1 Journey to Napier

*All of the men who participated in our research were transferred to Napier from asylum hotels whilst waiting to have their main – ‘substantive’ – asylum interview, which is key to how the Home Office determines whether someone is a refugee. This is typical of people placed at Napier.<sup>34</sup> At the point they came to Napier, many of those we spoke with had arrived in the UK within the last year to seek sanctuary here. Their experience in the UK asylum system had often been chaotic and stressful.*



#### **“They did not tell us they were taking us to the camp”**

In 14 out of 17 cases, people had not been told they were going to Napier, either until they were in the car on the way, or until they actually arrived at the camp. Typically, someone at reception at the asylum hotel where they were sleeping had told them they would be leaving the next day, and given no more information, even when asked repeatedly.

One participant told us: *“The guy in the front desk in the hotel told me I was going the next day but they didn’t say where. I just realised when I was in the car already. I thought I was going to an apartment or house.”*

People being taken to Napier without being told where they were going is a longstanding pattern, though Home Office practice on this has fluctuated.<sup>35</sup>

For research participants, the experience of arriving unexpectedly at Napier camp was deeply shocking:

*“From London they inform you you’ve got transport to one place. I thought it was another place, I was shocked.”*

It fostered uncertainty and disorientation. One man explained *“It’s like we think we are going to space”*.

Several people were transferred to Napier at around the time the government had scheduled a first flight of asylum seekers to go to Rwanda (the flight did not, in the end, take off).<sup>36</sup> This made the unexplained transfers especially frightening:

*“They told me ‘you have a transfer, be ready tomorrow.’ I packed my bag. No information. At this time there is a flight for Rwanda so I was scared so much.”*

Concealing from people the fact that they were going to Napier generated anxiety and trauma.

The three participants who were told they were going to Napier were given very short notice and the information was communicated poorly and incompletely. One, who was told the day before his transfer, had thought that he had more time before he went. He explained: *“I didn’t anticipate it was from one day to the next”*.

## 2.2 Life in the Camp

### 2.2.1 Lack of privacy and sleep deprivation

*“Living in Napier is like a night shelter. Toilet is shared, bathroom is shared, and you only have a curtain between you, like a hospital. Some places it’s like a hospital ward separated by curtains and you have your locker and you have your bed and that is all there is. You have no privacy.”*

Physically, there is no private space at the camp. Most people sleep in dormitories with beds separated by thin plywood partitions that don’t reach the floor or ceiling, and curtains rather than doors. There are a few other communal spaces, such as a library and room with a pool table but these don’t allow for people to be on their own and are only open at certain times of day.

These issues arose in the APPG’s inquiry. The APPG report observed that: “Almost all facilities at Napier are shared, and are set up in such a way that provides residents with little privacy... The number of people and lack of sound barriers meant the dormitories were noisy and made private or confidential conversations difficult, for example with lawyers or family members. The conditions also caused residents to experience significant sleep disruption. It was striking to see how many respondents raised this as an issue.”<sup>37</sup>

Our research, conducted over a year later, and focusing on a period that post-dates reported improvements at the camp, nevertheless, closely echoes this finding: absence of privacy and associated sleep deprivation remained key features of life at Napier, commented on by nearly all respondents.

#### 2.2.1.1 No Privacy

*“You don’t have privacy. There is no personal life. The rooms, if I have to call them rooms...there are no doors.”*

*“It’s open. It’s big. There is no privacy.”*

People explained that there was nowhere they could go to be quiet, or have a private conversation. One man explained that the room used as a library was locked early and that therefore: “There is no place to sit after 4pm.” Another described how the absence of private space made it difficult to keep in touch with his family: “if I talk [*i.e.*, on the phone] anybody in all the rooms can hear them.”

The lack of privacy made respite impossible and, somewhat counter-intuitively, caused loneliness and isolation.

### 2.2.1.2 Sleep deprivation

Chronic sleep deprivation was pervasive: 13 out of 17 participants explicitly reported serious difficulty sleeping, specifically while they were at Napier:

*"[When sleeping there is] no privacy, people shouting, someone come to wake me up, so I hate it so much."*

*"I go to bed but not really sleep."*

Specific comments about the beds included:

*"The beds are horrible. You get an old mattress so people would rather sleep on the floor. My friends sleep on the floor. I turned the mattress but it is still very bad."*

Several respondents reported health problems arising from a history of torture, trafficking, or other physical trauma, and commented specifically on how their physical ill-health compounded difficulty sleeping:

*"When I arrive...at [Napier] camp I couldn't sleep for 10 days because of my medical issues. I was tortured..."*

*"I couldn't turn my neck. When I was in Napier I couldn't sleep because of too much pain."*

Sleep deprivation shaped life at the camp, and had a serious negative impact on mental health. One participant in particular reflected on the cumulative effect of sleep deprivation in structuring daily life:

*"It's tiring, and then the accumulation of tiredness as well...I'm knackered because it's always the same thing sort of on a loop, but it's become a kind of routine."*

This reflects JRS UK's experience of supporting people at Napier. As time passed, people routinely became less and less able to function owing to lack of sleep.

## 2.2.2 A place like prison

*"Didn't it use to be a prison?"*

Many participants told us that Napier felt like being in prison:<sup>38</sup> *"Most difficult thing, you feel you are imprisoned, you feel your freedom has been limited."*

Napier's physical setting was an important factor in these comparisons. One participant described his immediate reaction on first seeing Napier: *"When you get the view, the panorama, it's like a concentration camp."*

Life in Napier was, and continues to be, tightly structured. For example, residents are required to sign in and out whenever they enter or leave to the camp, and also when entering some different parts of the camp.<sup>39</sup> Meal times, laundry, and other day-to-day events occur according to an institutional regime. Several participants explained that this felt like a severe deprivation of freedom:

*"I've never been used to being in a situation where I've had to give my data to be able to leave...Technically we have freedom, but still we have to give our information. If they say to us we're not in prison, it's [still] very different to being able to leave and not have to say that to anyone else."*

Sometimes, the prison-like camp was contrasted with a hoped-for place of safety or respite: *"I'll go any place, no problem, but give me a home, not a jail."*

Corresponding to the sense of prison, some participants said that being sent to Napier felt punitive: *“I see so many security walls, so many groups of security, the buildings, it was shocking... when I arrived...I thought I was going to...not a jail, but I thought I was being punished.”*

### 2.2.2.1 The impact of remote location

Napier’s relative remoteness, on the outskirts of Folkestone, was isolating and contributed to the sense of being confined to the camp: *“At Napier, you can go [out of the camp], but the place is far from everything.”* Correspondingly, several participants explained they did not regularly leave the camp. For example, some only left once a week to come to the drop-in centre in a church hall near Napier camp.

This echoes the findings of the APPG on Detention that: *“Being separated from the wider community also amplified residents’ sense of ‘otherness’, which was further exacerbated by the hostility they received when leaving the camp, and the stigma associated with being identifiable as an asylum seeker.”*<sup>40</sup>

### 2.2.2.2 Racist intimidation on leaving the camp

The fear and reality of racial abuse contributed to making people feel trapped at the camp.

***Racist intimidation of those at Napier has recurred since it opened. JRS UK’s team repeatedly heard about this issue when running outreach to Napier, and on occasion were with Napier residents when they received verbal abuse from passers-by.<sup>41</sup> The APPG report on quasi-detention found that: “Residents received harassment and abuse from people outside the site, including those with anti-migrant views and members of far-right groups staging protests.”***<sup>42</sup>

Several research participants reported being subjected to racist abuse when they left the camp, and explained that this deterred them from leaving. One man described people driving past and yelling intimidation and racial abuse. He was at the camp in spring 2022, and explained that friends of his, who were at Napier several months later, were experiencing the same thing.

Another research participant described fascist demonstrators outside the camp. He explained that he had been frightened, and that the site staff had responded by telling residents not to leave: *“Staff, they didn’t do anything. Standing to stop people coming in, and warned us not to leave the camp.”*

This should be set in the context of many reports of positive interaction with Folkestone locals. Several participants specifically remarked on how “friendly” and welcoming the town was, and how eager to help them some locals had been.

## 2.2.3 Forced to relive trauma

Several participants described how being in Napier brought back echoes of traumatic scenarios they had escaped. This was often explicitly connected to the physical setting itself, specifically the military, prison-like, or simply camp setting. Some also, or alternatively, spoke of re-trauma from loud noise in the night, or from living perpetually in a chaotic environment, indicating that the social reality of many people in an overcrowded space was an important factor: *“[In my country of origin] I...had a firearm go off next to my ear...so I’ll wake up feeling scared.”*

One young man had been in a camp in East Africa as a child, and witnessed violence there:

*"It's difficult. I was...in [East Africa] in a camp...with my mother. The police catch us and say I can't leave ... There is an image of camp on my mind. When I feel camp, I think not of Napier...The problem is the image of that [other] camp." He explained he didn't feel safe because he couldn't close the door when he went to bed: "Sometimes I can't sleep. Not sometimes. Usually I can't sleep. In the...[East African] camp I saw many people die. [There] If you fight with someone on the day, they will come when you sleep."*



For him and for others, re-trauma and sleep deprivation were mutually reinforcing. They jointly had a profound negative impact on physical and mental health. Another man explained: *"[I get] headaches when I start to sleep less. Because before I see a big war. So when I [am] hearing shouting, my feelings are worse."*

These testimonies echo research finding that the prison-like setting of Napier posed a risk of further trauma to people seeking asylum, especially torture survivors.<sup>43</sup> They speak to how wholly inappropriate Napier is as accommodation for people seeking sanctuary.

## 2.2.4 A space of limbo: a double-edged sword

During the period of our research, and ongoing at the time of writing, people are placed at Napier for a limited period of between 60 and 90 days. When the camp first opened, people were placed there indefinitely. Not knowing when they would leave was a source of particular anxiety.<sup>44</sup> The 90-day time limit to placement at Napier was introduced in June 2021, following the High Court's ruling against Napier.<sup>45</sup> The known endpoint was highly significant for research participants. For some, it was a source of resilience:

One man compared Napier to a prison, but said he was able to withstand this because he was there for a relatively short time: *"you know that's about 3 months. Even if you are in something like a prison, you can handle it because it's a short time."*

Another explained that he focused on the time limit as a psychological coping strategy: *"A lot of people come and go, and there's no privacy and I've trained my mind to think 'it's just 65 days so just keeping going, keep existing, and to live one day at a time.'"*

Napier's key redeeming feature was that people knew they wouldn't have to be there very long.

***The refugees we spoke with had been uprooted from their previous lives and saw the end of the asylum process as a point at which they would begin life again: "We lost a lot of years from our life. I'm thinking how to get passport, work, travel to see family. Life is priceless."***

Research participants experienced Napier as a place of limbo they were waiting to leave.

*"The days are longer. The time. You know, it never passes. I don't see the date. Just wait. Because when you arrive at Napier, they say you will have to wait 65, 70 days. So I don't count, just let the time pass and that's it."*



Napier was perceived as a route out of asylum limbo. Transfer from Napier usually entails transfer to dispersal accommodation in a shared house or flat. Being moved to a shared house or flat within a community was seen as a key step towards normalcy: *"When I leave this place I can decide when to eat, when to exercise, when to do work."* There was additionally a frequent perception, seeded by Napier and/or previous accommodation staff, that one was likely to get a substantive asylum interview whilst at Napier, and if not, that having been in Napier would mean one got one quickly:

*"[When I arrived at Napier, staff told me]: 'You must live here between 60 and 90 days, and then after you will get the house. If you are lucky you get interview here, but if not you get interview after, no problem.'"*

Participants often weighed Napier's potential as a route to progress in the asylum process against difficult conditions at the camp.

*"There is no privacy in the camp. There is no comfortable facilities. The best thing in the camp is quick transfer to a house in like 3 months. The other is to get an interview..."*

Some were dissuaded from trying to secure a transfer out of Napier because they were worried this would mean they had to wait longer for their substantive asylum interview. One man who was especially distressed on finding himself at Napier initially raised the issue with site staff. The staff member did offer to escalate the issue: *"when I arrive, I tried to tell...[a member of Napier staff] and she is emailing Home Office [about it]. But my interview is coming, so I tell her I will take my interview."*<sup>46</sup>

In reality, very often, people didn't get an asylum interview whilst at Napier, and the system for allocating interviews felt arbitrary: *"Same case, same steps they give them different interviews, different everything."*

The time limit and sense of a route out made it easier for people to endure Napier, but it did not prevent it from being a painful experience. For example, one participant said: *"Just take a few days from those 3 months. I'm not complaining, it's fine, but 3 months is still 3 months."*

## 2.2.5 Deterioration in mental health

Repeatedly, research participants reported stress and anxiety, and often its worsening over time in Napier:

*“Morally we are tired.”*

*“After 3 or 4 weeks you will get nervous because you don’t do anything.”*



Several people reported having bad thoughts they hadn't had before they came to Napier. One young man we spoke to remembered another who had attempted suicide: *“[T]here was one guy who came to the camp and he tried to suicide himself. He tried to cut himself. They took him back to hotel...”*

Another described re-trauma, insomnia, and deterioration in physical health, bound up with his mental health problems: *“If you don’t have your mind occupied, you get stressed a lot. It can be quite asphyxiating...don’t have much to do. I’ve seen fights happen in that kind of environment...A lot of times I’ve wanted to cry, so you have to occupy yourself. When I’m playing basketball I don’t feel that way. But when I go back to that small cubicle, it’s just me...Sometimes I’ll lay down to sleep late but I’ll have insomnia...And I’m losing my hair.”*

These findings reflect JRS UK’s experience over two years of working in Napier. JRS UK’s Detention

Outreach team met people on a weekly basis, sometimes over many months. Over the time they were at the camp, people’s mental health would deteriorate significantly. People who had been outgoing and cheerful when they arrived withdrew into themselves, becoming less able to engage with the world, and becoming depressed and anxious.

## 2.2.6 Interactions with staff

Participants’ experience with site staff was complex and varied. Strikingly, many participants remarked on how friendly and kind the staff were: *“They are super nice...”*. However, participants also described aggressive treatment from some staff, which had felt dehumanising: *“Sometimes during meals they just throw food in your bowl and that’s not okay, we’re not animals, and that’s not the way to treat people.”* There were also reports of unjustified controlling behaviour on the part of site security: *“I was speaking to my son [on the phone] outside the Barracks and he [the security guard] said I couldn’t speak there.”*

Typically, people found that, even where staff were friendly and supportive, they were unable to resolve significant issues: *“They try to help but sometimes they cannot help.”* This accords with the more specific routine failures in screening and welfare support that also emerged in our research, and are detailed below.

Most fundamentally, good relationships with site staff did not and could not offset the problems with Napier, which were wider and deeper: *“[Napier is] like a prison. But really the people in Napier is good people...trying to help, but the problem is not from them. They are not ruling us. The government does.”*

## 2.2.7 The Barracks is not a place of sanctuary

Several participants commented on the contrast between the sanctuary people had been seeking in the UK, and the reality with which they were faced at Napier. One participant who had witnessed another Napier resident's suicide attempt said: *"[People] come here looking for a peaceful place and they're trying to kill themselves here."* Another described how painful and incongruous it was to be subjected to what he was at Napier, after all that he had already endured: *"I feel like if the government knew what I'd been through, they'd give us papers and not let us go through what we're going through now at Napier".*



### Javier's experience

Javier fled a central American country when his life was threatened. He travelled to the UK by plane and claimed asylum at the airport. In summer 2022, after months in an asylum hotel, the government moved him to Napier. He was not told he where he was being taken.

*"A guy in a taxi turned up. The administrator said you need to pack up your stuff and go...I had 10 minutes to pack up my stuff. I didn't have time to even ask [anymore about it]...I was going there scared..."*

*"I was more scared when I got to my room. The room is just a cubicle divided with a sheet and there's a small bed, perhaps the length of this table."*

Javier suffered from sleep deprivation in the noisy dormitory conditions of the barracks. He took sleeping pills, but still only managed about 4 hours sleep a night. *"With sleeping...it's very difficult."*

Being in Napier forced Javier to relive memories of what happened in his country of origin and forced him to leave his home.

*"I had a firearm go off next to my ear, so I'll wake up feeling scared."* Javier found being in the camp really difficult: *"You need to give your room number with the security. There is a games room, they'll ask for your room number there, they control all of that if you're leaving for a while, they'll want to know for how long. It feels as if you're in a prison."*

Javier was moved out of Napier about a month after participating in this research and is now in dispersal accommodation, a shared house, in another UK town.

He is still waiting to hear the outcome of his asylum application. The experience of Napier still haunts him today.

*Javier is a pseudonym to protect his identity.*



### 2.3 Poor Conditions at Napier

Several respondents described poor conditions at Napier.

The site and particularly the bathrooms were described as dirty, with overcrowding being a significant factor: *“Only 2 bathrooms for approximately 30 people or more...They are dirty.”*

There was a severe outbreak of bedbugs in June-July 2022. Many residents came out in bites all over their body, and some chose to sleep outside on the ground rather than on the infested mattresses. Still, appropriate steps were not taken to solve this problem. Two respondents explained that they had asked the staff to fumigate the affected areas, but they had refused.

### 2.4 Struggle to Access Basic Necessities

Several people reported having gone for weeks or longer without basic necessities, including shoes, socks, and coats. Many had recently arrived in the UK with next to nothing. Most often, people said they did have enough clothes, but only because an NGO had provided them. Some people struggled to get a phone, which meant they couldn't keep in contact with family or friends, or access solicitors or wider support networks.<sup>47</sup>

There is a diminishing supply of clothes and other basic necessities for charities to distribute at Napier. These charities rely on donations from the local community. The local community in Folkestone has been very generous, but the arrival of several hundred new people every few months, means that locals inevitably struggle to keep donating for each cohort. Charities continuing to offer support to those at Napier have reported increasing difficulty in sourcing basic necessities like shoes and winter coats for everyone who needs them.



## 2.5 Inadequate healthcare

***There is one nurse onsite, and residents have to go via the nurse in order to make a GP appointment, and to access most secondary healthcare. Everyone at Napier is – in theory – registered at one small GP surgery not set up to cope with such large numbers. Participants typically assumed the onsite nurse was a doctor, reflecting what JRS UK has heard through outreach work. This made it more difficult for people to advocate for their health needs – if they thought they were already speaking to a doctor, they were less likely to ask for one.***

During outreach to Napier, JRS UK frequently supported individuals who were struggling to access healthcare. We often found they could not get a referral for a GP appointment, and therefore also could not access secondary care. We worked with one man who asked his solicitor to make the appointment, after the nurse refused; the solicitor was told by the practice that this was impossible, referrals could only come from the onsite nurse.<sup>48</sup> Similarly for our research participants, barriers to offsite healthcare were a serious problem, and onsite healthcare was inadequate to replace it.

Several participants explained that when they went to the nurse for help they were simply given painkillers or other medicine not requiring a prescription, or were not given any treatment at all. More specifically, needing to go via the nurse in order to access offsite care acted as a barrier to community healthcare. Appointments were rarely made: a participant with serious chronic back pain connected to a history of torture requested an X-ray from the onsite nurse. The nurse said this wasn't possible.

Another participant, who had breathing difficulties, was told he could not see a doctor until he had left Napier: "they didn't do anything. [The nurse] gave me just decongestant. He said 'once you leave the camp go to see a doctor again.'" This episode suggests that the nurse did feel the condition merited a GP appointment, but did not feel able to make one, raising serious questions about how far those at Napier have recourse to a GP, and what factors are at play constraining access.<sup>49</sup>

### 2.5.1 No mental health support

There is no mental health support onsite at Napier, nor is there any other way of accessing it whilst there – but it is badly needed. Correspondingly, no research participants had access to a counsellor or other mental health support whilst placed at the camp, despite many having undergone profound trauma. When asked about access to counselling, several people interjected, without prompting, that they really wished they could access counselling, and they thought it would help them.

### 2.5.2 Deterioration in physical health

Though not specifically asked about this, several respondents reported increased or compounded physical health problems during their time at Napier – headaches, back and neck pain, loss of hair and loss of energy were commonly raised.

### 2.5.3 Absence of welfare support

There was very little welfare support from onsite staff, and what there was, was inadequate to meet needs. Residents reported to us that there was no proactive support, so people with a prior history of trauma affecting their mental health and that of others around them, were left to support one another. One resident, who had told site staff about his history of trauma and his insomnia reported: *“If I sleep, sometimes I have bad dreams. My neighbour told me I’m loudly shouting when I’m asleep, sweating. Nobody except for my neighbour [came to check on me].”* Similarly, when people struggled to get adequate healthcare onsite, staff who knew about the problem would do nothing further to help.

## 2.6 No Screening for Vulnerability

***Home Office policy stipulates that Napier is unsuitable for people with a range of specific vulnerabilities including survivors of torture or trafficking.<sup>50</sup> However, in June 2021, the High Court found serious failures in screening for vulnerability at Napier.<sup>51</sup> JRS UK’s experience indicates clear, systemic failures to screen for vulnerability, both prior to transferral to Napier, and onsite. We regularly supported vulnerable people there, including: survivors of torture; survivors of trafficking; age disputed minors – in practice, we are concerned these are children whom the Home Office contends are adults; people self-harming; and people experiencing suicidal ideation.***

Several research participants reported that they had survived trafficking or torture, and many mentioned others at Napier who were also torture survivors. One participant who reported a history of trafficking and torture told multiple Napier staff about his experience. No one offered to refer him into the National Referral Mechanism (NRM) or informed him that he might be entitled to specialist support. He was first told about the NRM when it came to his substantive asylum interview, towards the end of his time at Napier. The interviewer then told him that, if he wanted to proceed to explain his history of trafficking, it would delay his asylum process. He chose not to address the trafficking issue.

## 2.7 Barriers to Legal Advice



Accessing legal representation at Napier was very difficult. Of the 17 people with whom we conducted semi-structured interviews between July and October 2022, 8 reported that they did not have legal representation at the point we spoke to them.<sup>53</sup> Additionally, we conducted a short survey about legal advice at the NGO-run Drop-in for Napier residents in November 2022, and received 17 responses. Respondents were from a range of different countries. None had a solicitor. That is, overall, 25 out of 34, or 73%, of research participants did not have legal representation.

Of those who did have legal representation, nearly all had found the solicitor before they came to the camp, normally whilst in hotel

accommodation in a city or large town. Some reported having had solicitors who ceased to represent them when they moved further away. Others explained that they were worried about trying to get a solicitor before they were moved to dispersal accommodation, because they thought they would then have to start again.

People with solicitors often reported struggling with a lack of regular communication. In some cases, solicitors had ceased to represent an individual, but not informed them. One research participant explained that his solicitor had been uncontactable prior to his substantive interview and had given him no help preparing for it. That is, though he believed he had a solicitor, he was unrepresented for his substantive interview. He is included in our figures on those who do not have a solicitor, but his experience may suggest that some of the others who described having unresponsive solicitors in fact no longer had any legal representation at all. Therefore, it is likely that even the statistic of 70% under-represents those without legal advice.

***Access to legal advice for asylum cases is a huge and growing problem across the UK, especially in England and Wales. Over the last two decades, the scope of legal aid funding in England has vastly reduced, resulting in a lack of legal aid providers and declining numbers of lawyers and advisors.<sup>54</sup> Inevitably, legal advice is scarcer in more remote areas. Folkestone is a small town, with only two legal aid small providers of asylum advice, and a large number of asylum seekers are transferred to Napier with asylum interviews likely to be imminent.<sup>55</sup> The concentration of people needing legal advice in this small, poorly serviced area, exacerbates the general scarcity of legal advice.***

The fact that a small majority of the sample taken over July-October had legal representation, and no one did by late November 2022, may suggest that the situation worsened even over that period. This is in line with the wider experience of JRS UK's team at Napier, which found that it became progressively more difficult to refer people to solicitors over the period of offering support there.

### 2.7.1 Interviews without solicitor

***It is vital to have legal representation to help prepare for a substantive asylum interview. JRS UK works with people initially refused asylum and obliged to submit fresh claims, many of whom are ultimately recognised as refugees. Often, lack of legal advice before a substantive interview was part of what went wrong the first time around. There is a significant, and increasing, backlog in asylum determination, and people can wait over a year for interviews without which their cases will not be resolved, so people are frequently desperate to do their interviews. One research participant explained he was “dying” to do it.***

We heard numerous reports of Napier residents completing substantive interviews without help from a legal representative, which echoes our organisational experience. Among those we interviewed, three had undergone their substantive interview, two of them without legal representation. Two of those we surveyed at the drop-in had interviews the following week, and neither had solicitors. One of these had, earlier that week, received a letter from a solicitor agreeing to take his case, and stating that the solicitor would get in touch with him. However, he had not done so.<sup>56</sup> There were only four days before his interview at this point, and two of those fell on the weekend.

### 3. CONCLUSION

What we heard from residents at Napier camp demonstrates it is harmful to those placed there, subjecting them to re-trauma, intense anxiety, and chronic sleep deprivation. It was very clear that Napier was not a place where people felt safe. At worst, it was a prison and site of repeated re-trauma. At best, it was a holding space, a painful episode to be endured on a journey towards a hoped-for future.

This form of institutional accommodation offers no place from which to begin to rebuild one's life, nor does it offer a place of respite in which one can heal. Though those placed at Napier are told that this will progress their asylum claim, there is no structural reason for this, or way in which it actually aids the processing of an asylum claim. Several features of Napier identified in this research demonstrate just how poor a context it is in which to navigate an asylum claim. It is disproportionately difficult to access legal advice and other support networks there, and the trauma and sleep deprivation people experience at Napier are likely to make it very difficult for them to engage fully with their case.

Since the High Court judgment against Napier in June 2021, the Home Office claims to have made many improvements. Some things have changed. However, much more remains the same: this is still a place where people who were seeking safety are sent, only to suffer more.

The time limit is the most significant change to have been made to the regime at Napier, in truth perhaps, the only really significant change. It shapes the way that people experience Napier. It removes one particular source of trauma – uncertainty about when the experience will end.<sup>57</sup> This does speak powerfully to the unique cruelty of detaining people, or otherwise holding them in limbo, without any end in sight. But those at Napier still suffer from their experience. It is not acceptable knowingly to subject people seeking safety to further suffering. The fact that such suffering is time limited offers no justification.

Otherwise, much of the struggle caused by Napier seemed unaffected by the changes that had been made. This is largely because the deepest problems with Napier are inherent in the nature of the accommodation. For example, though many people had good relationships with staff, this did not alter the fact that they experienced Napier as a prison and a trauma to be endured.

Many of the most serious and impactful problems with Napier, as reported by our research participants, were to do with the nature of institutional accommodation: the total lack of privacy, the sense of isolation, and the lack of agency connected with living life according to a regime. All of these together had a negative impact on mental health. This is a strong indication that accommodation within communities is much better for the mental health and dignity of those seeking asylum. Furthermore, the asylum accommodation in out-of-town institutional settings militates against integration.

What is needed is not modifications or small improvements. It is an entirely different approach. There is no good reason for accommodating asylum seekers in out-of-town asylum camps, rather than in the community. All it achieves is human suffering. This must not be the new normal for asylum accommodation in the UK. It is not too late to turn back.

## 4. RECOMMENDATIONS

### **1. Napier Barracks must be immediately and permanently closed.**

Napier Barracks is completely unsuitable as accommodation for people seeking sanctuary. It causes them harm and serves no good purpose, and the problems with it are too fundamental to be solved via tweaking and improvements.

### **2. Plans for greater use of large-scale institutional asylum accommodation centres must be abandoned.**

This kind of accommodation is damaging to people seeking asylum, denying them both agency and respite, and ghettoising them away from wider communities. It also militates against integration.

### **3. Asylum seekers should be provided with safe and dignified accommodation within British communities.**

Accommodation within wider communities is better for the mental health of people seeking asylum, and for communities as a whole. It supports integration.

## 5. REFERENCES

- 1 Independent Chief Inspector of Borders and Immigration (ICIBI), “An inspection of contingency asylum accommodation: HMIP report on Penally Camp and Napier Barracks”, p.14.
- 2 As later found by the High Court. The relevant case is *R (NB & Ors) v Secretary of State for the Home Department* [2021] EWHC 1489 (Admin) in which the judge stated: “the arrangements at the Barracks were contrary to the advice of PHE and did not even implement key aspects of the risk mitigation measures which the Defendant herself apparently regarded as desirable and feasible. The precautions which were taken were completely inadequate to prevent the spread of Covid-19 infection, and there was no real dispute before me that the outbreak which occurred in mid-January 2021 was inevitable.”
- 3 This was reported in ICIBI, “An inspection of contingency asylum accommodation: HMIP report on Penally Camp and Napier Barracks”, p.12. JRS UK were also aware of it via asylum seekers at Napier, to whom we were providing remote support at the time.
- 4 APPG on Immigration Detention, “Report of the Inquiry into quasi-detention” (December 2021), pp.48-49.
- 5 APPG on Immigration Detention, “Report of the Inquiry into quasi-detention” (December 2021), p.41.
- 6 APPG on Immigration Detention, “Report of the Inquiry into quasi-detention” (December 2021), p.23.
- 7 In case the of *R (NB & Ors) v Secretary of State for the Home Department* [2021] EWHC 1489 (Admin), judgment handed down on 3rd June 2021.
- 8 ICIBI, “An inspection of contingency asylum accommodation: HMIP report on Penally Camp and Napier Barracks”.
- 9 The APPG is an informal, cross-party group of MPs. Current membership can be found here: Current members - APPG on Immigration Detention ([appgdetention.org.uk](http://appgdetention.org.uk)); and membership at the time of the inquiry into quasi-detention can be found here: Members – 2020-2021 - APPG on Immigration Detention ([appgdetention.org.uk](http://appgdetention.org.uk)).
- 10 APPG on Immigration Detention, “Report of the Inquiry into quasi-detention” (December 2021).
- 11 APPG on Immigration Detention, “Report of the Inquiry into quasi-detention” (December 2021), p.75.
- 12 HM Government, “New Plan for Immigration Policy Statement”, (March 2021).
- 13 The Home Office confirmed this in a letter from Kevin Foster, MP, to the APPG on Immigration Detention, dated 27.8.2021, available for download on the APPG’s website at 2021-08-27-FBIM-to-Alison-Thewliss-MP.pdf ([appgdetention.org.uk](http://appgdetention.org.uk)).
- 14 It was on the point of opening a new asylum centre in the tiny Yorkshire village of Linton-on-Ouse, but was forced to abandon this plan following extensive local opposition. (<https://www.theguardian.com/politics/2022/aug/09/sunak-truss-rule-out-plans-house-asylum-seekers-yorkshire-linton-on-ouse>).
- 15 PM speech on action to tackle illegal migration: (<https://www.gov.uk/government/speeches/pm-speech-on-action-to-tackle-illegal-migration-14-april-2022>)
- 16 JRS UK, *Detained and Dehumanised: the impact of immigration detention* (2020), p.8; Home Office, Immigration Enforcement, and The Rt Hon Caroline Nokes MP, News Story, “Immigration detention reform” (23 July 2019).
- 17 “Government response to the review on welfare in detention of vulnerable persons” (14th January 2016).
- 18 See Detention Action, “Briefing on the Nationality and Borders Bill” (July 2021) available at Microsoft Word - Document1 ([detentionaction.org.uk](http://detentionaction.org.uk)).
- 19 <https://www.thetimes.co.uk/article/suella-braverman-ready-to-detain-more-channel-migrants-3jqn93pbf>. A new Immigration Removal Centre for women opened in county Durham at the end of 2021, known as Hassockfield when it was announced, and then renamed Derwentside by the government; and two previously closed IRCs are earmarked to reopen: Campsfield IRC in Oxfordshire, closed in 2019, and Haslar IRC in Portsmouth.
- 20 For general conditions at Manston and discussion of the diphtheria outbreak, see the transcript of the Home Affairs Select Committee oral evidence session “Channel Crossings, HC 822”, 26.10.2022, available on the UK parliament’s website here. For details about a person dying there, see Rachel Russell, “Migrant staying at Manston Processing Centre dies - Home Office” BBC News (19th November 2022) <https://www.bbc.co.uk/news/uk-63691175>
- 21 Statutory Instrument 2022 No. 1345, The Short-Term Holding Facility (Amendment) Rules 2022, available here.
- 22 JRS UK gave evidence on this issue to the Secondary Legislation Scrutiny Committee who then wrote a report criticising the apparatus used to extend Napier, Secondary Legislation Scrutiny Committee, “13 Report of Session 2021-22” (16 September 2021) – House of Lords Paper 70.
- 23 Clause 101 of the Levelling Up and Regeneration Bill. See appendix.
- 24 Under Section 95 of the Immigration Act 1999.
- 25 For details and examples, see Mette Louise Berg and Eve Dickson, “Asylum Housing in Yorkshire: a case study of two dispersal areas” (June 2022) available here; and Home Affairs Select Committee, “Asylum Accommodation Replacing Compass” (House of Commons, 17th December 2018).
- 26 According to Home Office statistics.
- 27 See Asylum Matters, “In a place like prison: voices from institutional asylum accommodation” (December 2021), pp.3-4.

- 28 See Asylum Matters, “In a place like prison: voices from institutional asylum accommodation” (December 2021); Helen Bamber Foundation, “The Impact of Accommodation Centres on the Health of People Seeking Asylum” (September 2021).
- 29 For example, HM Government, “New Plan for Immigration Policy Statement”, March 2021, p.19, available here: [NEW PLAN FOR IMMIGRATION - Policy Statement](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97222/new-plan-for-immigration-policy-statement.pdf) ([publishing.service.gov.uk](https://publishing.service.gov.uk)).
- 30 S. Cartwright. (2022) Quasi-Detention: The Expansion of Dehumanising Border Spaces. Available at: <https://blogs.law.ox.ac.uk/blog-post/2022/10/quasi-detention-expansion-dehumanising-border-spaces>. Accessed on: 17/01/2023.
- 31 Centre for Policy Studies, “Stopping the Crossings: How Britain can take back control of its immigration and asylum system”, by Nick Timothy and Karl Williams (December 2022).
- 32 Home Secretary statement to Parliament on the Illegal Migration Bill, delivered on 7th March 2023.
- 33 APPG on Immigration Detention, “Report of the Inquiry into quasi-detention” (December 2021), p.30.
- 34 JRS UK are aware of exceptions where people have been transferred to Napier at different points in the asylum process.
- 35 See APPG on Immigration Detention, “Report of the Inquiry into quasi-detention” (December 2021), pp.46-47.
- 36 Further details about the government’s plans for forcible transfer to Rwanda can be found in the appendix, and on JRS UK’s website, (<https://www.jrsuk.net/news/faqs-on-rwanda-plan/>)
- 37 APPG on Immigration Detention, “Report of the Inquiry into quasi-detention” (December 2021), pp.37-38.
- 38 Nine respondents specifically drew comparisons between Napier and prison.
- 39 It is important to distinguish these limitations from COVID-19 related restrictions. These limitations occur despite the lifting of restrictions related to COVID-19.
- 40 APPG on Immigration Detention, “Report of the Inquiry into quasi-detention” (December 2021), p.34.
- 41 A member of JRS UK’s team also received verbal abuse when walking with Napier residents outside the camp, which made this a challenging environment to work in.
- 42 APPG on Immigration Detention, “Report of the Inquiry into quasi-detention” (December 2021), p.49.
- 43 Jennifer Blair, David Bolt, Jane Hunt, Cornelius Katona, and Jill O’Leary, “Can the UK develop accommodation centres in a trauma-informed way?” *Forced Migration Review* 69 (March 2022), pp.81-83.
- 44 ICIBI, “An inspection of contingency asylum accommodation: HMIP report on Penally Camp and Napier Barracks”, p.12.
- 45 David Neal, ICIBI, “A re-inspection of Napier Barracks” (March 2022), pp.20-21.
- 46 This man’s outlook echoes that of others that JRS UK has supported: many do not want to try to get a transfer out of Napier – which is often difficult to secure – because that would mean returning to a hotel, rather than on to a shared house or flat, which would normally be the outcome if someone waited for the Home Office to move them.
- 47 This should be set in the context that the government had a blanket policy of seizing mobile phones from people seeking asylum as, or shortly after, they arrived in the UK by small boat, and some participants were impacted by this policy. This occurred from at least April 2020 to November 2020. See appendix for further details.
- 48 The APPG on Immigration Detention previously highlighted inadequacies in onsite healthcare, and barriers to accessing healthcare in the community whilst at Napier. See APPG on Immigration Detention, “Report of the Inquiry into quasi-detention” (December 2021), pp.55-59.
- 49 It was also a factor that people were moved around frequently in the early asylum process, which disrupted healthcare provision.
- 50 Home Office, “Allocation of asylum accommodation policy” version 8.0 (December 2022), pp.16-17.
- 51 *R (NB & Ors) v Secretary of State for the Home Department* [2021] EWHC 1489 (Admin).
- 52 The National Referral Mechanism (NRM) is the government mechanism for identifying victims of trafficking and other forms of modern slavery. See appendix for further details.
- 53 This figure includes one respondent who initially explained that he did have a solicitor who had become uncontactable, but on further examination it emerged that the solicitor had ceased to represent him. See further below.
- 54 See Refugee Action and NAACOM, *Tipping the Scales: Access to justice in the asylum system* (2018); Wilding, J. *Droughts and Deserts: A report on the immigration legal aid market* (2019).
- 55 To give an indication of how overstretched these providers are: in 2021, these two together with one more in Kent reported 380 ‘matter starts’ – i.e., in theory, new cases, in the year ending August 2021. One single provider was responsible for 245 of these [as reported in Refugee Action, “No Access to Justice: how legal advice deserts fail refugees, migrants, and our communities”, by Dr Jo Wilding (May 2022), p.217].
- 56 JRS UK managed to secure legal representation for this individual by contacting the solicitor.
- 57 This places Napier at odds with immigration detention in the UK, which is indefinite, and in which not knowing the date of release significantly contributes to trauma. See JRS UK, *Detained and Dehumanised: the impact of immigration detention* (2019), pp.15-16, available at <https://www.jrsuk.net/detentionreport>

## APPENDIX

### 1. Research Methodology

We conducted 17 semi-structured interviews with people placed at Napier or formerly placed at Napier, between July and November 2022. All research participants had been at Napier in 2022. Some interviews involved an interpreter.

Additionally, we conducted a short survey about legal advice at the NGO-run Drop-in for Napier residents in November 2022, and received 17 responses. Respondents were from a range of different countries.

### 2. Policy & Legislative Context

#### Asylum Support

*What is asylum support?*

Asylum support is provided to people who would otherwise be destitute while they are waiting for a decision on their asylum application. People seeking asylum are banned from working or claiming mainstream benefits, so they have no other way of meeting their basic needs. People can apply for accommodation and subsistence payments – that is, accommodation and money to meet their basic needs – or, only for subsistence payments. Most people need both, but someone might only need subsistence payments if, for example, they are living with friends or family.

People on asylum support receive:

- £45 per week, if they are placed in self-catered accommodation. This has to cover all basic needs.
- £9.10 per week if they are placed in accommodation with “full board”, such as Napier. This has to cover the cost of clothes, travel, phone credit and, for women, sanitary products.

These new rates are the result of a recent High Court ruling made in light of the rising cost of living,<sup>1</sup> and came into force in January 2023. For the period of research, asylum support rates were £40.85 for those in self-catered accommodation, and £8.24 for those in “full board” accommodation.

Since May 2017, subsistence payments have been loaded onto Aspen Cards, pre-paid visa debit cards. The Home Office monitors payments and withdrawals made on the card, and has the power to take punitive measures against people if they find fault with how they are using their card, though no clear criteria for using the card are communicated.<sup>2</sup>

For the last two decades, asylum accommodation has primarily been provided through self-catered “dispersal” accommodation outside of London and the South East of England. Full-board accommodation, which is most often institutional and large scale, has become increasingly common since the pandemic.

#### Types of asylum support

The type of asylum support someone is eligible for depends on the stage of their asylum claim.

- **Section 95** support: Destitute people awaiting a decision on an initial asylum claim, or a decision on an appeal to the courts of a refusal of their initial claim, are normally eligible for Section 95 support. This includes people waiting for the Home Office to decide whether to consider their asylum claim at all, under the UK’s inadmissibility rules. People on Section 95 can withdraw cash from ATMs with their Aspen cards.

- **Section 98** support is provided to destitute people seeking asylum who have applied for Section 95 support and are waiting for a decision on whether to grant this.
- **Section 4** support is provided to people who have been refused asylum and declared “appeal rights exhausted” and then submitted a fresh claim for asylum. It can also be provided to people refused asylum who are trying to leave the UK, in certain circumstances, but most people declared “appeals rights exhausted” are rendered completely destitute, though many are unable to leave the UK and many are ultimately recognised as refugees.<sup>3</sup> People on Section 4 have to pay directly with their Aspen cards, and this limits where they can shop, stigmatises them, and makes it harder to budget.

The vast majority of those at Napier camp are on Section 95 support, although JRS UK is aware of exceptions where, for example, someone on Section 4 support has been placed at Napier. Everyone who took part in our research interviews was in receipt of Section 95 support.

### **The inadmissibility process and the scheme of forced transfer to Rwanda**

Under the inadmissibility rules, the Home Office decides whether to admit an asylum application to the UK system, i.e., whether to consider a person’s claim for asylum at all. The inadmissibility rules came into effect on 1st January 2021, and are placed on a statutory footing by the Nationality and Borders Act 2022. They set out circumstances in which an asylum claim can be treated as “inadmissible” – i.e., not refused, but simply not examined at all.

*What do the rules say?*

Under these rules, a claim is treated as inadmissible if the asylum claimant could have claimed elsewhere. The chief criterion for determining this is whether they have been through a “safe third country” – whether or not they did claim asylum there. There is another troublingly vague criterion: “they have a connection to that country, such that it would be reasonable for them to go there to obtain protection”.

*What happens if a claim is deemed inadmissible?*

If a claim is deemed inadmissible, the Home Office will try to remove the applicant to another ‘safe’ country. The government faces a problem here, because it is not possible to remove someone to a country that has not agreed to accept them. The government’s plan to forcibly transfer people seeking asylum to Rwanda, with whom it has negotiated a Memorandum of Understanding, arises in this context. If the government cannot remove someone to Rwanda or anywhere else within a “reasonable timeframe” – a general guideline, only, exists and defines “reasonable” as 6 months, but there is a discretion to exceed that timeframe – it will ultimately proceed to process the claim here. The claim will, in the end, be declared admissible, and the asylum determination process will finally begin.

*The inadmissibility process in practice*

The inadmissibility process is still a fairly new one, and its operation fluctuates. People are quite often issued with “notices of intent” telling them that their asylum claim may be inadmissible, and these notices now sometimes mention the possibility of them being sent to Rwanda. However, most people wait a long time to find out whether their claim is actually inadmissible, and some are ultimately admitted to the UK asylum process.

*Context*

The rules partly attempt to replace a piece of EU legislation which was the Dublin regulation: a mechanism for determining which member state is responsible for determining an asylum claim, and for transferring claimants between members states. The first EU country a claimant entered is most likely to be the country responsible for processing their asylum claim, so being

a signatory often allowed the UK to remove asylum seekers who had been through EU states on their way here – though other considerations, such as family connections in a particular country, also played a part.

### **Plans for forcible transfer to Rwanda**

The government plans to forcibly send some people who seek asylum in the UK to Rwanda, under a new *Migration and Economic Development Partnership* between the UK and Rwandan governments. As part of the plan, the Rwandan government will then have responsibility for their asylum claims. It will process their claims and, crucially, if they are recognised as refugees, they will stay in Rwanda.

At the time of writing, no flight to Rwanda has yet occurred. A flight was scheduled to take people to Rwanda on 14th June 2022. A number of attempts to stop it in UK courts had failed, but the European Court of Human Rights stopped the flight, not on the basis that the scheme was illegal, but on the basis that ongoing cases in the UK courts must be played out before the flight could take place, as the outcome of these cases may have implications for the legality of the flight. The High Court has recently affirmed the legality of the Rwanda scheme, but given the claimants the opportunity to appeal this on certain grounds.

### **Emergency powers used to open and extend Napier**

Napier was opened in September 2020 using emergency planning powers. Napier was due to close in September 2021. However, in August 2021 the government announced that Napier would remain open until September 2025, extending Napier's tenure using emergency planning powers. The emergency instrument in question is a "Special Development Order", The Town and Country Planning (Napier Barracks) Special Development Order 2021, which was laid before parliament as a Negative Statutory Instrument.<sup>4</sup> As no vote is required for a statutory instrument to pass, it is a mechanism subject to very little scrutiny.

In evidence submitted to the Secondary Legislation Scrutiny Committee (SLSC), JRS UK expressed concerns that:<sup>5</sup>

- the Instrument was laid during recess, on the Friday before August bank holiday weekend, and on the last day possible to avoid a lapse in Napier's tenure as asylum accommodation;
- it was laid during a second COVID-19 outbreak at the site;
- the use of emergency powers in general was wholly inappropriate, and repeated an error that had already been brought to light by the Independent Chief Inspector of Borders and Immigration (ICIBI) and High Court, i.e., failing to consult with local stakeholders.

The SLSC subsequently wrote a report criticising the Statutory Instrument, and bringing it to the Special Attention of the House of Commons – that is, urging MPs to examine it.<sup>6</sup>

### **Levelling Up and Regeneration Bill and circumvention of local government in planning**

If enacted, the current clause 101<sup>7</sup> of the Levelling Up and Regeneration Bill would allow the "appropriate authority" to apply to the Secretary of State for planning permission instead of the Local Planning Authority. This would be permissible for developments on Crown land in England considered to be of national importance. This would create a routine, non-emergency mechanism for circumventing the consultation with local stakeholders that is normally inherent in planning permission. It would mean that asylum centres could be opened without consulting local government.<sup>8</sup>

It is relevant that failure to consult local stakeholders was identified as one of the key mistakes initially made at Napier, with the former ICIBI "the failure to consult local stakeholders on whose services and support the camps would be reliant before taking the decision to proceed was a serious mistake and the need to move at speed is not a satisfactory excuse."<sup>9</sup>

### **Legislation on accommodation centres**

The Nationality, Immigration, and Asylum Act 2002, part 2 contains provisions for the Home Secretary to house people seeking asylum in accommodation centres.<sup>10</sup> However, until Napier and Penally opened in September 2020, these powers were barely used.

The Nationality and Borders Act 2022 contains numerous provisions about accommodation centres including: expanding the range of circumstances in which they can be used and giving the Home Secretary power to vary the type of accommodation on the basis of someone's stage in the asylum process, admissibility or inadmissibility, or history of immigration compliance.<sup>11</sup>

### **Detention in the Illegal Migration Bill**

The Illegal Migration Bill, awaiting its third reading in the House of Commons at the time of writing, would create sweeping new powers to indefinitely detain people arriving in the UK to claim asylum.<sup>12</sup> Details of exactly how this would be likely to play out are still emerging. Of note:

- The Bill provides for the routine indefinite detention of children, and is therefore likely to make this a widespread practice.
- Provisions in the Bill would make it much harder to secure bail where one cannot be removed, so large numbers of people are likely to languish in detention for longer than is presently typical.<sup>13</sup>
- People meeting the criteria for detention under the Act, of any age, may be detained "in any place that the Secretary of State considers appropriate."<sup>14</sup> This suggests former military sites such as Napier may be used for detention in the future.

### **Phone seizures**

The government had a blanket policy of seizing mobile phones from people seeking asylum as, or shortly after, they arrived in the UK by small boat. This occurred from at least April 2020 to November 2020. JRS UK supported many people subjected to this practice. Once a phone was seized, it was very difficult to get it back. People were typically given a piece of paper with a number to call. Routinely, when the number was rung, there was no answer. Individuals were left unable to communicate with friends and family, or access legal or practical support. Even if they obtained another phone, they had often lost the only contact details they had for their loved ones. Phones seized in this way were normally only returned with help from solicitors, but securing a solicitor can be difficult, and even when a solicitor intervened, the phone was sometimes not returned because it could not be found.

### **The National Referral Mechanism (NRM)**

The NRM is the UK government's system for assessing whether someone is a victim of trafficking, or other form of modern slavery, introduced in 2009. The Home Office is now responsible for all decisions about modern slavery. Individuals cannot self-refer into the NRM, but must be referred by someone designated a 'first responder', whose role is to do this. First Responders include the Home Office, police, local authorities and some other public bodies, as well as specifically designated NGOs.

### **A note on terminology: primary and secondary healthcare**

Primary healthcare is 'first point of contact' healthcare within the community, most often from a GP, pharmacist, or optician. Secondary healthcare is specialist healthcare. It often takes place in a hospital setting and typically requires a referral from a GP.

- 1 *R(CB) v Secretary of State for the Home Department* [2022] EWHC 3329 (Admin).
- 2 Further explanation can be found at Privacy International, "What is an Aspen Card and why does it need reform" (February 2021).
- 3 For further details see JRS UK, "Out in the Cold: homelessness among destitute refugees in London" (January 2018).
- 4 The Town and Country Planning (Napier Barracks) Special Development Order 2021, Statutory Instrument 2021, No. 962.
- 5 JRS UK, "JRS UK Evidence to Secondary Legislation Scrutiny Committee on SI 2021/962" (September 2021).
- 6 Secondary Legislation Scrutiny Committee, "13 Report of Session 2021-22" (16 September 2021) – House of Lords Paper 70.
- 7 Previously clause 97. The number of clauses in a Bill can change as the Bill passes through parliament.
- 8 See Asylum Matters, Medical Justice, and Helen Bamber Foundation, written evidence to the House of Lords for the House of Lords Committee Stage of the Levelling Up and Regeneration Bill (March 2023).
- 9 In his letter appended to ICIBI, "An inspection of contingency asylum accommodation: HMIP report on Penally Camp and Napier Barracks", p.4. Many of the points referenced here applied to Penally as well as Napier.
- 10 Nationality, Immigration and Asylum Act 2002, part 2.
- 11 Nationality and Borders Act 2022, clause 13.
- 12 Illegal Migration Bill, clauses 11-13.
- 13 The Bill would allow the Secretary of State to detain people "for such period as, in the opinion of the Secretary of State, is reasonably necessary to enable the examination or removal to be carried out, the decision to be made, or the directions to be given" but also, importantly "regardless of whether there is anything that for the time being prevents the examination or removal from being carried out, the decision from being made, or the directions from being given." Illegal Migration Bill, clause 12, subsection 1b.
- 14 Illegal Migration Bill, clause 11, subsection 2g.

## About JRS UK

The Jesuit Refugee Service (JRS) accompanies, serves and advocates alongside and for the rights of refugees and forcibly displaced people, operating in over 50 countries worldwide.

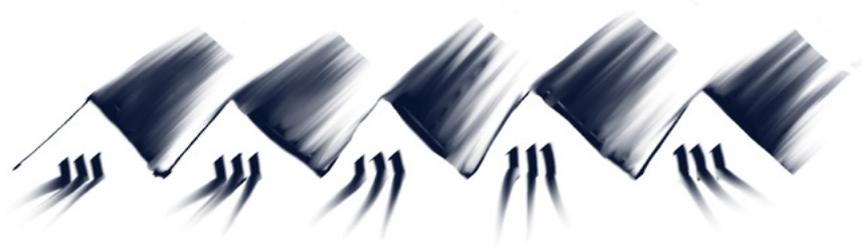
JRS UK works specifically with people made destitute by the asylum process and people held in immigration detention and quasi-detention settings. These areas of focus arise out of a commitment to offer support where the need is greatest, and meet needs that others are not meeting.

As part of this commitment, when Napier opened during the COVID-19 pandemic, JRS chose to offer support there. We ran an outreach service to Napier camp for two years from Autumn 2020. We were one of the first NGOs to access the site.

JRS UK is based in the Hurtado Jesuit Centre in Wapping, East London

## JRS UK Values

JRS is grounded in Catholic Social Teaching: our work is based on the principles of hospitality and carried out in a spirit of compassion and solidarity, encouraging participation and community, aiming to give hope, justice and dignity to refugees and forced migrants.



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