

Report on an unannounced inspection of the UK
non-residential short-term holding facility at

Dunkerque, France

by HM Chief Inspector of Prisons,
accompanied by the Contrôleur Général des Lieux de
Privation de Liberté

5 July 2016

Glossary of terms

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Fact page

Task of the establishment

To hold those who have been refused entry to the UK or are being questioned by Border Force officers

Location

Terminal Roulier du Port Ouest, F-59279 Loon-Plage, Dunkerque, France

Name of contractor

Eamus Cork Solutions (ECS)

Last inspection

28 January 2014

Escort provider

Not applicable

Introduction

The United Kingdom Border Force exercises immigration control in the port of Dunkerque. Border Force uses the short-term holding facility in the port to detain three groups: travellers whom Border Force have stopped at the border and are questioning to determine whether to grant or refuse permission to enter the UK; and travellers who have been refused entry to the UK and are awaiting transfer to the French border police, the Police aux Frontières (PAF). These two groups are held after presenting themselves at the border. The third group have attempted to enter the UK clandestinely, often hidden in commercial lorries but sometimes in the back of private cars.

The juxtaposed control arrangements have been in place since 2003 and are governed by a bilateral agreement between the UK and France, the treaty of Le Touquet. Travellers boarding ferries to the UK must pass through PAF controls before UK Border Force controls. The aim of the treaty is to reduce the number of clandestine entrants arriving in the UK to claim asylum or to live undocumented.

Border Force employed the private contractor, Eamus Cork Solutions (ECS), to search vehicles and to operate the holding facility. At this inspection we were pleased to see that Border Force had acted on our previous recommendation and trained ECS officers to become certified detainee custody officers. We were also pleased that the management information on the length of detention and number of detainees was much more robust. Little else had changed since our previous inspection in 2014. The holding room remained clean but austere with little for detainees to do. Detainees were on average held for longer periods than at our last inspection. An independent monitoring board did not visit the facility.

About this inspection and report

Her Majesty's Inspectorate of Prisons is an independent, statutory organisation which reports on the treatment and conditions of those detained in prisons, young offender institutions, immigration detention facilities and police custody.

All inspections carried out by HM Inspectorate of Prisons contribute to the UK's response to its international obligations under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by independent bodies – known as the National Preventive Mechanism (NPM) – which monitor the treatment of and conditions for detainees. HM Inspectorate of Prisons is one of several bodies making up the NPM in the UK.

The Contrôleur Général des Lieux de Privation de Liberté (CGLPL) fulfils the responsibility of the French government to establish a national preventive mechanism to independently inspect all places of deprivation of freedom, which arises from its status as partner to the Optional Protocol to the OPCAT.

All Inspectorate of Prisons reports carry a summary of the conditions and treatment of detainees, based on the four tests of a healthy prison that were first introduced in this inspectorate's thematic review *Suicide is everyone's concern*, published in 1999. The tests have been modified to fit the inspection of short-term holding facilities, both residential and non-residential. The tests for short-term holding facilities are:

Safety – that detainees are held in safety and with due regard to the insecurity of their position

Respect – that detainees are treated with respect for their human dignity and the circumstances of their detention¹

Preparation for removal and release – that detainees are able to maintain contact with family, friends, support groups, legal representatives and advisers, access information about their country of origin and be prepared for their release, transfer or removal. Detainees are able to retain or recover their property.

Inspectors kept fully in mind that although these were custodial facilities, detainees were not held because they had been charged with a criminal offence and had not been detained through normal judicial processes.

¹ Non-residential STHFs are unsuitable for long stays and detainees should not be held in them for more than a few hours. This limits what activities can or need to be provided. We will therefore report any notable issues concerning activities in the accommodation and facilities section.

Summary

- S1 At our inspection in 2014, we made 18 recommendations, four of which had been achieved, two had been partially achieved and 12 had not been achieved.
- S2 Detainees had very short journeys to the facility. The people carrier used to transfer detainees found in freight vehicles was grubby with caged windows. Border Force had invested in additional training for facility staff and they were all now certified detainee custody officers (DCOs). Detainees were not offered a telephone call on arrival and DCOs did not use telephone interpreting services.
- S3 Male and female detainees could be held separately if children were not detained. Oversight of the smaller holding room had improved since our last inspection and was now covered by CCTV. There was an anti-ligature knife in the DCOs' office but staff did not routinely carry one. The Border Force safeguarding and trafficking team were vigilant to the risks of modern slavery, but some officers were confused about the definition of an unaccompanied minor. During the previous three months, 111 children had been held at the facility. The holding rooms were not child friendly. DCOs did not use force on detainees, but instead called the Police aux Frontieres (PAF).
- S4 The facility remained largely unchanged since the previous inspection. The holding rooms were clean and had been recently redecorated but the atmosphere was austere and gloomy. When the holding rooms were full, there were not enough seats for all detainees. There was no shower and it was difficult for detainees to wash without towels. Detainees were now offered hot meals but no hot drinks. There were few activities to occupy detainees held for long periods.
- S5 One detainee was held during our inspection. He was served with appropriate paperwork before being refused permission to travel to the UK. All detainees who did not continue their journey to the UK were handed to the PAF. During the previous three months, 548 people had been detained for an average of five hours.
- S6 DCOs were polite to the detainee but did not use interpreting services to communicate with him. Detainees could practise their religion but the facility did not stock the Qur'an. Detainees could not submit written complaints. DCOs had received first aid training but detainees could not access health services for non-emergencies.
- S7 Detainees could not use the telephone, internet or email, which did not help their preparation for release. Risk and needs information was not routinely passed to the PAF.

Section 1. Safety

Arrival

Expected outcomes:

Detainees under escort are treated safely, decently and efficiently. Detainees taken into detention are treated with respect, have the correct documentation, and are held in safe and decent conditions. Family accommodation is suitable.

- 1.1** Detainees were apprehended in the port and had very short journeys to the facility. Authorised search officers (ASOs) from the private contractor Eamus Cork Solutions (ECS) searched vehicles before passengers presented themselves at the border. Travellers who were stopped by Border Force drove the short distance to the facility in their own car with a detainee custody officer (DCO). ASOs also searched lorries arriving at the border. Clandestine entrants found in lorries were transferred to the facility by ASOs in a caged people carrier. The vehicle did not have a first aid kit, food, water or snacks and it was austere and grubby. Detainees were in the van for a matter of minutes.
- 1.2** French nationals working for ECS staffed the facility and had all received three weeks' comprehensive training which certified them as detainee custody officers. The officers we spoke to had a much better understanding and confidence in performing their role than at the last inspection.
- 1.3** DCOs gave new arrivals a rub-down search in the entrance lobby which was reasonably private. Detainees handed over the contents of their pockets and their mobile phones which were stored in small lockers. Larger property was kept outside the holding room, but not locked away.
- 1.4** DCOs did not routinely provide detainees with information about the facility, but responded to their requests. DCOs did not have access to a telephone interpreting service or pictorial prompts. We were shown very limited material in a range of languages, but this was not given to detainees. Detainees were not routinely offered a telephone call on arrival and there was no payphone in the holding room.

Recommendations

- 1.5** **Detainees should not be transferred in caged vans.** (Repeated recommendation 1.2)
- 1.6** **Key information should be given to detainees on arrival, verbally and in writing, in a language they understand.** (Repeated recommendation 1.11)
- 1.7** **All detainees should be able to make a free telephone call in private soon after their arrival.** (Repeated recommendation 1.10)

Keeping detainees safe

Expected outcomes:

Detainees feel and are safe from bullying and victimisation. The facility provides a safe and secure environment which reduces the risk of self-harm and suicide. The centre promotes the welfare of all detainees, particularly adults at risk, and protects them from all kinds of harm and neglect.² Force is only used as a last resort and for legitimate reasons.

- I.8** The two holding rooms enabled male and female detainees to be held separately if no children were held. Staff oversight of the holding rooms had improved since our last inspection. DCOs could still observe detainees in the main holding room through an office window and they could also monitor detainees in the smaller holding room using CCTV. Staff had never witnessed bullying or intimidation between detainees but said they were alert to potential tension between facilitators and clandestine entrants. The DCOs' three-week training package included sessions on anti-bullying.
- I.9** DCOs had not witnessed detainees harming themselves. There was an anti-ligature knife in their office but they did not carry one on their belts which could cause a delay in an emergency. Some DCOs had received safer custody training.
- I.10** The safeguarding and trafficking team of Border Force officers who had received additional training were alert to the risks of modern slavery and vulnerable travellers. A member of the team was not present on every shift. If Border Force suspected that a traveller was a victim of modern slavery, they interviewed the potential victim and trafficker. If necessary, they contacted police, social services and sponsors in the UK. Border Force did not have jurisdiction to refer cases to the national referral mechanism. Instead they alerted the Police aux Frontieres (PAF) to safeguarding concerns and notified the Home Office of the case. France had ratified the Council of Europe Convention on Action against Trafficking in Human Beings in 2008, but it had yet to create a national referral mechanism.

Recommendation

- I.11 Detainee custody officers should routinely carry anti-ligature knives.** (Repeated recommendation I.17)

Recommendation to the French Ministry of Social Affairs and Health

- I.12 The French authorities should create a national referral mechanism to identify victims of trafficking.**

² We define an adult at risk as a person aged 18 years or over, 'who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation'. 'No secrets' definition (Department of Health 2000).

Safeguarding children

Expected outcomes:

The facility promotes the welfare of children and protects them from all kinds of harm and neglect.

- I.13** During the previous three months, 111 children had been held: 85 accompanied and 26 unaccompanied. Accompanied children were held for an average of five hours 54 minutes. The longest was held for 11 hours 50 minutes. Unaccompanied children were held for an average of five hours 22 minutes, the longest for 11 hours five minutes. A family of seven had been held in the facility for 12 hours shortly before our inspection. The family comprised four adults (including a 78-year old) and three children. Children's detention was reviewed every two hours and every four hours for adults. Safeguarding and trafficking officers had completed level three of the Home Office keeping children safe training. Holding room logs did not record the age of children. Many children who tried to enter clandestinely were travelling without their parents. Border Force officers whom we spoke to were aware of their duty to promote and safeguard the welfare of children. However, some officers mistakenly believed that children travelling with unrelated adults should be treated as accompanied rather than unaccompanied minors.
- I.14** The facility stocked provisions for children, including baby food and toys. There was a baby changing facility, but no nappies. The gloomy and austere atmosphere of the facility was not appropriate for children.
- I.15** DCOs did not use force to restrain detainees. DCOs had been given personal protection training but they were not authorised to use control and restraint techniques and had not completed training in the Home Office Manual for Escorting Safely. If force was required, DCOs called PAF who were based in the same building.

Recommendation

- I.16 Children should be held in a child-friendly environment with age-appropriate facilities.** (Repeated recommendation I.23)

Legal rights and casework

Expected outcomes:

Detainees are fully aware of and understand their detention. Detainees are supported by the facility staff to exercise their legal rights freely. Detention is carried out on the basis of individual reasons that are clearly communicated. Detention is for the minimum period necessary.

- I.17** One detainee was held during our inspection, a Polish national who was trying to re-enter the UK after serving a criminal sentence there. He was held while Border Force determined whether a deportation order was in force and was subsequently refused entry. Like all those not travelling to the UK, he was handed to the PAF on release from the facility. His authority to detain (form IS91) and a sample of others that we reviewed were in order. Border Force issued him with written reasons (IS91R) for his detention which they explained with the aid of a telephone interpreter. No information leaflets or notices about French organisations offering legal help or support to detainees were displayed. We did not find any material encouraging detainees with a fear of persecution to claim asylum in France or advising that if they claimed in the UK they may be returned to France.

- I.18** During the previous three months, 548 detainees had been held for an average of five hours. The longest period of detention was 13 hours 30 minutes. These figures were higher than at our last inspection when 211 detainees had been held for an average of two hours 45 minutes. Border Force now collected biodata: all detainees had their fingerprints scanned and photos taken. The information was run against the Home Office fingerprint records and the police national computer.

Recommendation

- I.19** **Independent legal advice from French organisations should be available to detainees. Written information about these organisations should be clearly displayed in a variety of languages.** (Repeated recommendation I.27)

Respect

Accommodation and facilities

Expected outcomes:

Detainees are held in a safe, clean and decent environment. Detainees are offered varied meals to meet their individual requirements. Food is prepared and served according to religious, cultural and prevailing food safety and hygiene regulations. The facility encourages activities to preserve and promote the mental and physical well-being of detainees.

- I.20** The facility comprised an entrance lobby, a DCOs' office, a separate new biodata collection room and two holding rooms: the main holding room and a smaller room generally reserved for women and children. Both were clean and recently decorated but austere and lacking natural light. There were only six moulded plastic chairs in the main room and four in the smaller room, although up to 16 detainees could be held at a time. There was nowhere to lie down comfortably and, although some detainees were held for several hours or overnight, there were no blankets or pillows.
- I.21** Toilets were clean and private, but women and children had to walk through the main holding room to reach them. There was no shower and no towels. No toiletries other than sanitary protection were available, and even these had to be requested.
- I.22** There was a water fountain but no hot drinks were provided. Crisps and snack bars were offered on arrival and detainees were now offered a hot meal. There was a choice of six long-life microwave meals, including halal options, but there was little choice for vegetarians.
- I.23** Detainees did not have easy access to activities to keep them occupied. Magazines were not routinely offered or placed in the holding rooms and magazines that we saw were old and in English only. No current newspapers, books or other activities were provided. Detainees could ask to watch DVDs on the television in the main holding room, but most were for children.

Recommendations

- I.24 All holding rooms should have adequate seating, washing and sleeping facilities.** (Repeated recommendation I.37)
- I.25 There should be sufficient activities and facilities to enable detainees to occupy themselves, including access to books, newspapers and dictionaries in a range of languages.** (Repeated recommendation I.48)

Respectful treatment

Expected outcomes:

Detainees are treated with respect by all staff, with proper regard for the uncertainty of their situation and their cultural backgrounds. Effective complaints procedures are in place for detainees which are easy to access and use, in a language they can understand. Responses are timely and can be understood by detainees. There is understanding of the diverse backgrounds of detainees and different cultural backgrounds. The distinct needs of each protected characteristic, including race equality, nationality, religion, disability, gender, transgender, sexual orientation, age and pregnancy, are recognised and addressed.

- I.26** The two DCOs spoke French and a little English, but no other languages. They were pleasant to the detainee held during our inspection but they did not have access to interpreting services. This impeded communication and good relationships between DCOs and detainees. We spoke to the detainee using our own telephone interpreter. He had many unanswered questions and some of his anxiety could have been allayed if DCOs had communicated with him more effectively. DCOs wore uniforms with ‘security’ written on them, but no name badges (except on the high visibility jackets they wore outdoors). Border Force staff used telephone interpreting when interviewing detainees who could not speak English.
- I.27** Staff had received some equality and diversity training and had a reasonable awareness of religious and racial diversity. Detainees could practise their religion. The Bible was available in several languages, and there was a prayer mat with a compass, but no Qur’an. Staff were aware of Ramadan which ended shortly after our inspection. People with mobility problems were rarely detained, but there was an accessible toilet in the building.
- I.28** Detainees could not easily complain in writing. Staff did not routinely tell detainees of their right to complain and there were no complaint forms in the holding rooms. DCOs were not aware of the Border Force complaint procedure. Border Force officers could issue complaint forms on request but told detainees to complete them in English or Welsh, which was inappropriate.
- I.29** DCOs were trained in first aid, had access to a first aid kit and could summon first responders for medical emergencies. There were no formal arrangements for health professionals to visit the facility or advise on non-emergency medical incidents. The ambulance service was the first point of contact for all health issues but they did not assist with routine health issues. If a detainee arrived with prescribed medication, Border Force officers decided whether it could be administered, which was unsafe.

Recommendations

- I.30 DCOs should use interpretation and/or pictorial prompts to facilitate communication with detainees.** (Repeated recommendation I.41)
- I.31 An effective complaints procedure, which is easy to access and use, should be implemented, with complaint forms in a language that detainees can understand, pens and a secure box available.** (Repeated recommendation I.44)
- I.32 Health professionals should be able to address detainees’ non-urgent health concerns and advise DCOs about all health issues, including medication.**

Preparation for removal and release

Expected outcomes:

Detainees are able to maintain contact with the outside world and be prepared for their release, transfer or removal. Detainees are able to retain or recover their property. Families with children and others with specific needs are not detained without items essential to their welfare.

- I.33** Detainees had no access to telephone, internet or email, which inhibited the support of friends and family. Detainees who were not admitted into the UK were handed over to the PAF, but Border Force officers did not routinely pass needs or risk information to the PAF. The detainee we met wished to return to Poland, but his detention had separated him from his travelling companions and he had no money. He was handed over to the French police who intended to drop him at a bus stop on the edge of the port with no information, such as embassy contact details or support organisations, to help him.

Recommendations

- I.34 All detainees should have access to email, fax and internet facilities for communication and information purposes.**
- I.35 Staff should formally communicate relevant risk and needs based information to the French police when they hand detainees over.**

Section 2. Recommendations

Recommendation To the French Ministry of Social Affairs and Health

- 2.1** The French authorities should create a national referral mechanism to identify victims of trafficking. (1.12)

Recommendations

To Border Force

Accommodation and facilities

- 2.2** All holding rooms should have adequate seating, washing and sleeping facilities. (1.24)

Preparation for removal and release

- 2.3** Staff should formally communicate relevant risk and needs based information to the French police when they hand detainees over. (1.35)

Recommendations

To Border Force and the facility contractor

Arrival

- 2.4** Detainees should not be transferred in caged vans. (1.5)
- 2.5** Key information should be given to detainees on arrival, verbally and in writing, in a language they understand. (1.6)
- 2.6** All detainees should be able to make a free telephone call in private soon after their arrival. (1.7)

Safeguarding children

- 2.7** Children should be held in a child-friendly environment with age-appropriate facilities. (1.16)

Legal rights and casework

- 2.8** Independent legal advice from French organisations should be available to detainees. Written information about these organisations should be clearly displayed in a variety of languages. (1.19)

Respectful treatment

- 2.9** An effective complaints procedure, which is easy to access and use, should be implemented, with complaint forms in a language that detainees can understand, pens and a secure box available. (I.31)
- 2.10** Health professionals should be able to address detainees' non-urgent health concerns and advise DCOs about all health issues, including medication. (I.32)

Preparation for removal and release

- 2.11** All detainees should have access to email, fax and internet facilities for communication and information purposes. (I.34)

Recommendations

To the facility contractor

Keeping detainees safe

- 2.12** Detainee custody officers should routinely carry anti-ligature knives. (I.11)

Accommodation and facilities

- 2.13** There should be sufficient activities and facilities to enable detainees to occupy themselves, including access to books, newspapers and dictionaries in a range of languages. (I.25)

Respectful treatment

- 2.14** DCOs should use interpretation and/or pictorial prompts to facilitate communication with detainees. (I.30)

Section 3. Appendices

Appendix I: Inspection team

Colin Carroll

Jeanette Hall

Majella Pearce

Cédric de Torcy

Anne-Sophie Bonnet

HM Inspectorate of Prisons

HM Inspectorate of Prisons

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Contrôleur Général des Lieux de Privation de Liberté

Appendix II: Progress on recommendations from the last report

The following is a list of all the recommendations made in the last report, organised under the four tests of a healthy establishment. The reference numbers at the end of each recommendation refer to the paragraph location in the previous report. If a recommendation has been repeated in the main report, its new paragraph number is also provided.

Safety

Detainees are held in safety and with due regard to the insecurity of their position.

Recommendations

Women, children and families should be held in entirely separate facilities, which can be continuously observed by detention staff. (1.36)

Partially achieved

All holding rooms should have adequate seating, washing and sleeping facilities. (1.37)

Not achieved (Recommendation repeated, 1.24)

Detainees should not be transferred in caged vans. (1.2)

Not achieved (Recommendation repeated, 1.5)

The facility should be staffed by accredited detainee custody officers. (1.9)

Achieved

All detainees should be able to make a free telephone call in private soon after their arrival. (1.10)

Not achieved (Recommendation repeated, 1.7)

Key information should be given to detainees on arrival, verbally and in writing, in a language they understand. (1.11)

Not achieved (Recommendation repeated, 1.6)

Children should be held in a child-friendly environment with age-appropriate facilities. (1.23)

Not achieved (Recommendation repeated, 1.16)

Independent legal advice from French organisations should be available to detainees. Written information about these organisations should be clearly displayed in a variety of languages. (1.27)

Not achieved (Recommendation repeated, 1.19)

There should be a self-harm and suicide prevention policy. (1.16)

Achieved

Authorised search officers (ASOs) should routinely carry anti-ligature knives. (1.17)

Not achieved (Recommendation repeated, 1.11)

ASOs should undergo child protection training. (1.22)

Achieved

Respect

Detainees are treated with respect for their human dignity and the circumstances of their detention.

Recommendations

An effective complaints procedure, which is easy to access and use, should be implemented, with complaint forms in a language that detainees can understand, pens and a secure box available. (I.44)
Not achieved (Recommendation repeated, I.31)

Detainees held for more than a few hours should have access to the fresh air. (I.49)
Achieved

ASOs should use interpretation and/or pictorial prompts to facilitate communication with detainees. (I.41)
Not achieved (Recommendation repeated, I.30)

Those detained for several hours should be offered a hot meal, and hot drinks should be freely available. (I.46)
Partially achieved

There should be sufficient activities and facilities to enable detainees to occupy themselves, including access to books, newspapers and dictionaries in a range of languages. (I.48)
Not achieved (Recommendation repeated, I.25)

Preparation for removal and release

Detainees are able to maintain contact with the outside world and be prepared for their release, transfer or removal.

Recommendations

All detainees should be able to retain their mobile telephones and have access to email, fax and internet facilities for communication and information purposes. (I.53)
Not achieved

Detainees should be told about what will happen to them after they are handed over to PAF. (I.54)
Not achieved

Appendix III: Photographs

Dunkerque holding room



Dunkerque reception desk

