



Afterword: The *Refugee Tales* Walking Inquiry into Immigration Detention

David Herd

University of Kent

Abstract

The purpose of this afterword is to provide an update on the recent actions of the *Refugee Tales* project against the background of new developments in UK policies on asylum and immigration. The afterword reports on the parliamentary launch of the *Refugee Tales* Walking Inquiry into Immigration Detention. It then considers the implications of the UK government's proposal to offshore asylum processing to Rwanda and, more broadly, of the new powers to detain and deport established by the Illegal Migration Bill. The afterword details the development, process, and findings of the Walking Inquiry and shows how those findings relate to and extend the remit of the official Public Inquiry into 'the mistreatment of individuals who were detained at Brook House Immigration Removal Centre in 2017'. In conclusion, it comments on the importance of *Refugee Tales'* practice of walking, as a process of collective action and deliberation, and as counter to the politics of hostility.

Keywords: asylum, detention, hostile environment, walking

On 26 October 2022, *Refugee Tales* presented the findings of the project's Walking Inquiry into Immigration Detention at the UK parliament.¹ At an event with members of both the House of Commons and the House of Lords, politicians from all parties, in attendance, people with lived experience of detention spoke of their treatment at the hands of the British state. As representatives of the *Refugee Tales Parliamentary Self-Advocacy Group*, Pious, Ridy, and Seth detailed the brutalities of an asylum process that entails, among other things, serial arbitrary detention, the detention, at the point at which they turn 18, of teenagers raised in the UK, and which denies the right to work for the duration of a pending asylum case, where 'pending' can mean over ten years.² The testimonies spoke of everyday practices within the detention estate that dehumanize and depersonalize and which, as all speakers confirmed, further traumatize people who, in many cases, have already experienced the trauma of displacement. The parliamentary room was full and people listened in a state of shock, not because they did not know what has been happening in the UK's asylum and immigration system – at some level everybody knows – but because to listen to the stories of people who have experienced detention is to be made aware of what its brutalities mean.

The parliamentary launch of the Walking Inquiry's findings was significant in numerous ways but not least because of the response it met with from MPs. Unquestionably, the present moment represents a shameful period in the history of the UK's treatment of people seeking asylum. As one could easily predict, and because history shows us how such logics work, the increasing reversion to detention as a means of addressing the reality of forced human movement has led to ever more inhumane government proposals. The most conspicuous of those proposals is the now much-trailed intention to relocate the processing of asylum claims to Rwanda, a plan which, as commentators have widely observed, places the UK in contravention of the 1951 Refugee Convention.³ It is a proposal which has met with widespread opposition, most notably in the Supreme Court where, in June of this year, three judges deemed it to be unlawful on the basis that Rwanda is not, as the government has asserted, a 'safe third-country' for people seeking asylum to be sent. Though highly significant as a judgement on the government's attitude toward people seeking refuge, this ruling is likely to constitute, at best, a pause in the current administration's plans. The question of Rwanda's status in this regard will itself be appealed, but over and above that country-specific consideration, the government's power to detain and deport people seeking asylum by irregular routes – which is to say those who flee directly to the UK in order to seek refuge – has now been greatly augmented by the final reading of the so-called Illegal Migration Bill. Under the terms of that bill, the government will

now be able to detain people at the point at which they seek asylum in the UK, because to claim asylum in that way would entail what the government calls illegal migration. Put simply, it will no longer be legal to claim asylum *in* the UK because to do so would be to commit an action (arriving irregularly) now rendered illegal. One might think of it as a catch 22 *non pareil*, where the point at which human rights are claimed becomes the point at which those rights are withdrawn. Responding with alarm to the outcome of the final reading, United Nations experts have urged action ‘to halt the implementation of the Illegal Migration Bill, and bring domestic law in line with international human rights standards’.⁴ As they put it, “Any deportation policy is in direct breach of the UK’s commitments and obligations under international human rights and refugee law if it fails to provide for due process safeguards, individualized risk assessments, asylum procedures and adequate protection measures”.⁵

Whether or not the Illegal Migration Bill will result in deportation remains an open question, since any such policy requires the agreement of third countries. What the policy does mean, on the one hand, is that detention is now the automatic reality for anybody who seeks asylum in the UK. Legally speaking, to request asylum means to be detained. What the policy means politically, on the other hand, can be gauged along a spectrum of hostility and shame: hostility intensified by a self-fulfilling programme of dehumanization; and a residual sense of shame producing the desire for that hostility to be staged elsewhere. The new aim of government policy, one might reasonably suggest, is to export the ‘really hostile environment’⁶ it has carefully constructed over the past decade – not to end the hostility but to hide it away. It is no surprise that, as these plans are being finalized, the government is seeking also to discredit the language of human rights. To detain arbitrarily and indefinitely, and, furthermore, to propose the offshoring of detention, is fundamentally to breach the principles of human rights.⁷ Therefore, so the prevailing political logic insists, human rights have to go.

In the context of this emerging political climate, the implications of which are devastating, MPs at the launch of the Walking Inquiry spoke with determination of the need for change. The speakers were from, if not necessarily representative of, the majority of the main UK political parties, including the governing Conservative Party. This is not to imply that under the current government there will be an end to detention. More than ever, this government is defining itself by its antagonism to people seeking refuge. The call to ‘stop the boats’⁸ has become a rallying cry; the desire to manifest hostility has morphed into the intention to expel. But – and it is a crucial qualification – what the political representatives at the Walking Inquiry launch demonstrated, as they responded to the words of those with lived experience of

detention, was a real desire to do things differently. In a UK context, what this means is that as we approach the end of the present parliament, and as the possibility increases of a change of regime, the argument for an end to detention is, because it has to be, politically live. At stake in that argument is the UK's commitment to the principle of human rights itself, because fundamental to such rights is the right not to be detained indefinitely and arbitrarily. Notwithstanding the brutal implications of the new legislation, what the *Refugee Tales* project glimpsed, as it launched the findings of its Walking Inquiry, was an understanding of the need for change.

Staged between 2019 and 2022, the Walking Inquiry into Immigration Detention had a specific objective. The aim was to echo, amplify, but also, crucially, to extend the scope of the official Public Inquiry into 'the mistreatment of individuals who were detained at Brook House Immigration Removal Centre in 2017'.⁹ The trigger for the Public Inquiry was an undercover investigation into abusive practices at Brook House Immigration Removal Centre carried out by the BBC programme *Panorama* between May and October 2017. What the *Panorama* investigation demonstrated, through footage captured by hidden camera, was sustained racist physical and verbal abuse committed by detention centre staff against the people detained. The footage was shocking to see, even for people who have knowledge of the detention estate. Witness, for example, the moment when a member of staff, having found a man who had tried to strangle himself, responds to the situation by placing his hands forcibly around the person's neck. The Public Inquiry into such abuse was necessary and welcome, and Gatwick Detainees Welfare Group (GDWG) was a core participant in the hearings. What *Refugee Tales* wanted to observe, however, was the straightforward fact that abuse in detention was not confined to the Brook House Immigration Removal Centre (currently one of ten such centres in the UK) and was not limited, as the scope of the inquiry proposed, to the period May to October 2017. Arbitrary, indefinite, and structurally determined by race and national identity, all immigration detention is abusive and is, in its fundamental denial of rights, always conducive to further abuse. The purpose of the *Refugee Tales* Walking Inquiry was therefore to extend the frame. If there was to be an inquiry into abuse in detention, all of detention had to be in scope.

Two principles underpinned the Walking Inquiry. The first was that it should be shaped by people with lived experience of detention. This did not mean that only people who had experienced detention should report on its effects, but that the questions posed by the inquiry should emerge through collective deliberation, with the project's Parliamentary Self-Advocacy Group at the heart of that process. With this principle in mind, and after inviting questions from across the *Refugee Tales* community, the following six broad questions were formulated:

- What is it like to be detained?
- How are people detained? What are the systems and structures of detention?
- What are the long-term impacts of detention?
- Why are people who have experienced detention not heard?
- How does detention damage society?
- What is our response?

Month by month, from January to June 2021, the Walking Inquiry gathered evidence in response to these questions, where submissions could take any form. Submissions were invited first and foremost from people who had been detained, but also from anybody with an interest in detention; with an interest, that is to say, in addressing the realities and implications of detention such that the meaning and effects of detention should be fully understood. Participants included GDWG visitors, *Refugee Tales* walkers, academics, journalists, activists, NGO workers, and members of the public who wanted the realities of detention to be more widely known. Evidence was gathered and posted on the *Refugee Tales* website throughout the course of the inquiry, and at the heart of the process was a series of remarkable films by Ridy, made in conversation with people who have experienced detention. All of those films are still there, on the Walking Inquiry site, and stand as crucial documents of the reality of being detained.¹⁰

The second principle of the Walking Inquiry was that, wherever possible, as they formulated their responses to the questions, people should walk. The caveat is important. As a response to the Public Inquiry into abuses at Brook House, the Walking Inquiry was conceived in the summer of 2019. Its first meeting took place in London towards the end of that year, following one of *Refugee Tales*' monthly walks. This was to be the structure of the Walking Inquiry, fundamentally peripatetic in approach: the collective walk and the inquiry's deliberation in interlocking step. But by January the news was emerging that a catastrophic new virus was taking hold, and by March 2020 the UK was in lockdown. The community that the *Refugee Tales* monthly walks existed to sustain was forced online, reconvening as a series of faces in intersecting grids. Suddenly framed by Covid and the new isolation it brought, the inquiry's deliberations were focused and intense.

Still, though, wherever possible, people walked – at first, as lockdown rules permitted, alone or in households, walking separately but simultaneously and generating solidarity on social media. Gradually those ones and twos became groups of five or six, each group walking with the question the inquiry had set itself that

month. And then, as the restrictions relaxed, the groups got larger until, by the end of 2021, the Walking Inquiry was able to convene to consider its accumulated evidence in a library in Deptford.

What that evidence showed, submission after submission, and as the report presented in parliament subsequently captured, is that detention is not sometimes, and in some institutional settings, abusive. Rather, detention is sustained by a constant practice of abuse. The state can only detain arbitrarily and indefinitely if it has already determined that the people it is detaining are not deserving of human rights. And once a state reaches that determination, its practice becomes systemically, not anomalously, abusive.

But why walk? Why, this is to say, in staging an inquiry into detention, should the medium of that inquiry be the collective walk? When *Refugee Tales* first walked in 2015, across nine days from Dover to Crawley – or rather, when the plan was first formulated by Gatwick Detainees Welfare Group that there should be such a walk – the walking was envisaged as a means to an end. It was a way of taking the stories of people who had been detained from one place to another, a means of raising awareness that the UK was (as it still is) the only country in Western Europe that detains people indefinitely under immigration rules. Before long however, in fact quite early in the process, it became clear that the walk itself was not simply instrumental, a means of getting people and messages from point A to point B. More than that, the action of walking is a kind of inquiry in itself, a way of asking, but also indicating, how things might be made different. There is not a single way to say this, not least because, as a collective experience, the walk is a plural experience. But, even so, various elements of the practice have a shaping effect. These are to do with visibility, with exchange, with the reframing of space, where the environment, which is designated politically hostile, is reclaimed for welcome. It is to do with listening as well as speaking; and the fact that, as stories are told and heard, the interaction is side by side, not adversarial. It is to do with the fact that walking, which is to say movement, can prove a basis for community and that walking collectively is a way of altering thinking. The walk which sustains *Refugee Tales* has proved to be not so much a means as a method, a way of creating spaces in which new possibilities can be thought.

The possibility that was in the room when the findings of the Walking Inquiry were launched in parliament last October was that politicians might finally act on what they know. They know that arbitrary detention is an abuse of human rights. And they know, as they articulated very clearly, that the situation has to change. The

dehumanization that underpins detention is a self-fulfilling prophecy. It is only when the stories are really heard that the dehumanization ends.

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About the Author

David Herd is Professor of Poetry at the University of Kent and co-organiser of the project *Refugee Tales*. His most recent collection of poetry, *Walk Song*, was named a Book of the Year by the *Australian Book Review*. His critical history, *Writing Against*

Expulsion in the Post-War World: Making Space for the Human, will be published by Oxford University Press in September 2023.

Notes

¹ As the afterwords to the volumes of *Refugee Tales* say, the project is the work of many hands, many voices, and many feet. To get a sense of that plurality, readers might look at the Walking Inquiry page of the project's website: Anonymous, 'A Walking Inquiry into Immigration Detention', *Refugee Tales*, <https://www.refugeetales.org/walking-inquiry>, date accessed: 1 August 2023. In the writing of this essay, I am grateful in particular, and as always, to Anna Pincus, without whose commitment, thought, and vision *Refugee Tales* would not exist. Thank you to Anna for discussing and commenting on what follows.

² Second names are not given here in order to protect identities.

³ The UK government's intention to offshore the processing of asylum claims of so-called 'irregular' or 'illegal' migrants was first outlined in the Nationality and Borders Bill. At the time of the Bill's passage through parliament in July 2021, former Secretary General of the United Nations Ban Ki-Moon was among many commentators to observe that the provisions of the Bill were in contravention of the 1951 Refugee Convention (Ki-Moon, Ban, '70 Years Ago, the World Made a Pact to Protect Refugees. Too Many of Our Leaders Are Failing to Uphold That Promise', *Time*, 26 July 2021, <https://time.com/6083151/1951-refugee-convention-anniversary>, date accessed: 3 February 2023). The plan to send people seeking asylum to Rwanda was first announced by then Home Secretary Priti Patel on 14 April 2022.

⁴ Qtd in Anonymous, 'UN experts urge UK to halt implementation of Illegal Immigration Bill', Press Release, *United Nations Human Rights Office of the High Commissioner*, 20 July 2023, <https://www.ohchr.org/en/press-releases/2023/07/un-experts-urge-uk-halt-implementation-illegal-immigration-bill>, date accessed: 27 July 2023.

⁵ *Ibidem*.

⁶ Kirkup, James, and Robert Winnett, 'Theresa May interview: "We're going to give illegal migrants a really hostile reception"', *The Telegraph*, 25 May 2012, <https://www.telegraph.co.uk/news/0/theresa-may-interview-going-give-illegal-migrants-really-hostile/>, date accessed: 1 August 2023.

⁷ As the *Guardian* newspaper reported, under the terms of the 'Rwanda deal', 'Britain has promised Rwanda an initial £120m as part of an "economic transformation and integration fund"'. Syal, Rajeev, 'Priti Patel's Rwanda asylum seeker plan faces first legal challenge', *The Guardian*, 27 April 2022, <https://www.theguardian.com/politics/2022/apr/27/priti-patel-faces-legal-challenge-over-rwanda-asylum-seeker-plan>, date accessed: 3 February 2023.

⁸ Cf. Prime Minister's Office, 10 Downing Street and The Rt Hon Rishi Sunak MP, 'Prime Minister Outlines His Five Key Priorities for 2023', *gov.uk*, 5 January 2023, <https://www.gov.uk/government/news/prime-minister-outlines-his-five-key-priorities-for-2023>, date accessed: 1 August 2023.

⁹ Cf. Anonymous, 'A Public Inquiry into the Mistreatment of Individuals Who Were Detained at Brook House Immigration Removal Centre in 2017', *Brook House Inquiry*, <https://brookhouseinquiry.org.uk>, date accessed: 3 February 2023.

¹⁰ Ridy's film submissions appear on the *Refugee Tales* website and are the first film for each of 10 April, 13 March, 20 February, and 30 January. Cf. Anonymous, 'A Walking Inquiry into Immigration Detention', *Refugee Tales*.