

Press release: Detained Fast Track ruled unlawful



9 July 2014

High Court finds that the operation of the Detained Fast Track asylum system is unlawful

In a landmark ruling in a case brought by Detention Action, the High Court has today found that the way the government operates the Detained Fast Track asylum system is unlawful.

Read the [full judgement](#) here and a [summary briefing here](#).

The charity Detention Action challenged the operation of the Detained Fast Track (DFT) asylum process on the grounds that it is a fundamentally unfair process and detention within it is unlawful. Detention Action argued that it creates a real risk that many asylum seekers with strong claims for protection are being sent back to face persecution or human rights violations.

Mr Justice Ouseley, giving judgement, found that “the DFT as operated carries an unacceptably high risk of unfairness.”

The Judge found that there is a range of serious failings within the system. In this context, the unjustifiable delay in allocating lawyers means that the DFT as operated is unlawful.

He criticised the inadequate screening of asylum-seekers’ suitability for the DFT. He found that failings at various stages of the process meant that survivors of torture, victims of trafficking and other vulnerable people unsuitable for the DFT were not being adequately identified.

Detention Action’s Director Jerome Phelps said:

“We are delighted that the High Court has recognised that asylum-seekers are being detained in an unlawful process. It is unfortunate that the government has spent years ignoring such warnings from UN and independent monitoring bodies. This is good news for people in detention facing return to torture, but it is also good news for British justice.”

Raj, a survivor of torture from Sri Lanka who was released from the Detained Fast Track last month, said:

“The whole DFT process overwhelmed me. The fear of returning to Sri Lanka gave me flashbacks of my torture. No one told me what was going on. It felt like they had decided not to believe me even before we started the interview. It was like a show-trial. They just wanted me out of the room, out of the country, as fast as possible.”

Ivo Kuka, a torture survivor from Cameroon, who was refused asylum on the Detained Fast Track before eventually being recognised as a refugee, said:

“I had less than 24 hours to provide evidence. They were sending me back with a death warrant. I was lucky and I campaigned hard and now I am a refugee. Many more have not been lucky. And justice should not depend on luck.”

Sonal Ghelani of the Migrants Law Project, the solicitor who acts for Detention Action, said:

“Serious concerns regarding the operation of this process have been expressed, over a number of years, by respected organisations such as Detention Action and the UN High Commissioner for Refugees (UNHCR). The government failed to heed those concerns necessitating legal action by a small charity. The Court has found that the DFT is an unlawful process. The government should now listen to what Detention Action, other charities, lawyers and UNHCR have been saying and consider carefully whether a process of determining claims for protection that involves the expense of detaining people who pose no risk to anyone is necessary.”

For interviews and further information, please contact Ben du Preez on 07800825775 / ben@detentionaction.org

Notes to editors

- The Detained Fast Track is a system of deciding asylum claims whilst the asylum-seeker is in detention. It is designed for asylum claims that are considered to be suitable for a quick decision.
- The fast track process was originally set up in 2002 in response to increased numbers of asylum applications. In 2002 there were 84,132 applications for asylum in the UK. In 2012 there were 21,875 such applications.
- The Equality and Human Rights Commission was granted permission to intervene in this case.
- Since 2008, the United Nations High Commissioner for Refugees has expressed concern about the operation of the UK's Detained Fast Track process in published audits of the DFT.
- 2,288 asylum-seekers were detained on the Fast Track in the middle six months of 2013. By comparison, 23,499 people claimed asylum in the UK in the year to June 2013.
- Detention Action is a support and campaigning charity working with people held in immigration detention.
- Nathalie Lieven QC and Charlotte Kilroy, instructed by the Migrants' Law Project, represent Detention Action.