

Electronic monitoring of asylum seekers

Pilots to electronically monitor asylum seekers in England, Scotland and Wales are due to start this month. The regulations permitting electronic monitoring of persons subject to immigration control come into force on 1 October 2004

JCWI's position:

The Government has said that tracking and tagging of asylum seekers will be an alternative to their detention. However, JCWI believes, the detention and electronic tagging and tracking of asylum seekers, failed or not, are wrong in principle because they criminalise people who have committed no crime. They also have implications for the credibility of those applicants who have not exhausted the appeals process. They are measures which are out of proportion to the scale of any reporting issues because the vast majority of asylum seekers are at liberty and do comply with reporting restrictions, particularly as, given they are not permitted to work, it is a concomitant of accessing financial support. Electronic monitoring of asylum seekers, like their detention, represents a potentially serious step change in the relationship between the state and law-abiding individuals looking to the UK for protection under international law.

What are the new powers?

Section 36, (removal and detention: electronic monitoring) of the Asylum and Immigration Act 2004, introduces a new power enabling electronic monitoring of those liable to immigration detention.

Under this power a person over 18, subject to immigration control may be required to wear or operate a device; and cooperate with electronic monitoring where a residence restriction is imposed and where s/he could be subject to a reporting restriction; and where immigration bail is granted.

The Home Office has indicated that in, the long term, electronic **monitoring** will make use of the still developing GPS (global positioning satellite) technology; and in practice, in the short-term, could include the use of electronic tags or the use of voice verification via telephone.

What does electronic monitoring mean?

The GPS *electronic tracking* technology would allow continuous tracking of a subject while *electronic tagging* requires wearing a bracelet which emits a signal to a receiver at the subject's home address. The subject could be required to be at home at a particular time or times of the week. *Voice verification* or *voice tracking* enables reporting and will use biometric voice recognition technology over a telephone, from a fixed landline and from a fixed address, at a notified time.

Who could be subject to monitoring?

When he introduced the proposals in November 2003 the Home Secretary said that electronic monitoring of asylum seekers would be an alternative to their detention. He added that people who would be tagged would be unsuccessful asylum seekers and those who have "no justifiable claim at all" who the immigration service are waiting to remove.

Later this year the Home Office said it envisaged monitoring would allow the release on bail, or temporary admission to the UK, of those at "the lower end of the risk spectrum" of absconding who would otherwise have been detained.

The Home Office's recently published factsheet (July 2004) has now elaborated the groups of people who could be subject to electronic monitoring to include: "asylum seekers with appeal rights exhausted, illegal entrants, those subject to administrative removal (workers in breach and overstayers), those served with notice of intention to deport or a deportation order; arriving passengers subject to further examination; and those refused leave to enter pending removal."

Why does the Government want to introduce electronic monitoring?

The Home Office factsheet on the use of monitoring says that voice recognition technology will facilitate better contact with those who need to report to a police authority or immigration reporting centre and may negate the need for in-person reporting. Tagging and electronic monitoring are meant to be used as alternatives to detention. However, the Prime Minister has recently said that another 1,000 detention places will still be created.