



Home Office

Short-term Holding Facility Rules 2018

Version 1.0

Contents

Contents.....	2
About this guidance.....	5
Contacts	5
Publication	5
Changes from last version of this guidance	6
Part 1 of the Short-term Holding Facility (STHF) Rules 2018.....	7
Rule 1 - Citation and commencement.....	7
Rule 2 - Interpretation	7
Part 2 of the Short-term Holding Facility (STHF) Rules 2018.....	8
Rule 3 - Application of these rules.....	8
Rule 4 - Places of detention	8
Rule 5 - Directly managed short-term holding facilities	8
Rule 6 - Holding rooms	8
Rule dis-applications and modifications.....	10
Part 3 of the Short-term Holding Facility (STHF) Rules 2018.....	12
Admission and discharge.....	12
Rule 7 - Information to detained persons about these Rules and the short-term holding facility.....	12
Rule 8 - Record, photograph and fingerprinting	12
Rule 9 - Detained person's property.....	13
Rule 10 - Search	13
Rule 11 - Custody outside short term holding facilities.....	14
Rule 12 - Reasons for detention and up-date of claim	14
Facilities.....	16
Rule 13 - Accommodation	16
Rule 14 - Sleeping accommodation	16
Rule 15 - Families and minors	16
Rule 16 - Clothing	17
Rule 17 - Food	17
Rule 18 - Hygiene	17
Rule 19 - Recreation	17
Rule 20 - Time in open air.....	18
Religion.....	18

Rule 21 - Diversity of religion and Rule 22 - Religious denomination.....	18
Communications	18
Rule 23 - Outside contacts.....	18
Rule 24 - Correspondence	19
Rule 25 - Visits	19
Rule 26 - Official interviews.....	19
Rule 27 - Legal adviser	19
Rule 28 - Use of telephones.....	20
Rule 29 - Access to the internet	20
Health care	20
Rule 30 - Medical screening.....	20
Rule 31 - General medical care.....	21
Rule 32 - Special illnesses and conditions	22
Rule 33 - Notification of illness or death.....	23
Rule 34 - Requests and complaints	23
Part 4 of the Short-term Holding Facility (STHF) Rules 2018.....	25
Maintenance of security and safety	25
Rule 35 - Removal from association	25
Rule 36 - Use of force	25
Rule 37 - Temporary confinement.....	26
Part 5 of the Short-term Holding Facility (STHF) Rules 2018.....	28
Staff of short term holding facilities	28
Rule 38 - General duties of staff.....	28
Rule 39 - Gratuities	28
Rule 40 - Transactions with detained persons	28
Rule 41 - Staff employed by the contractor	28
Rule 42 - Search of staff	29
Rule 43 - Contact with former detained persons or the friends and relatives of detained or former detained persons	29
Part 6 of the Short-term Holding Facility (STHF) Rules 2018.....	30
Persons having access to short-term holding facilities	30
Rule 44 - Authorisation for access, Rule 45 - Prohibited items, Rule 46 - Control of Persons and Vehicles, Rule 47 - Viewing of Short Term Holding Facilities and Rule 48 - Visitors.....	30
Part 7 of the Short-term Holding Facility (STHF) Rules 2018.....	31
Visiting committees (otherwise known as independent monitoring boards).....	31
Rule 49 - Conflict of Interest.....	31

Rule 50 - Visiting Committees	31
Rule 51 - Proceedings of Visiting Committees	31
Rule 52 - Members visiting short term holding facilities	31
Rule 53 - General duties of Visiting Committees	32
Rule 54 - Particular duties	32
Rule 55 - Annual Report.....	32
Part 8 of the Short-term Holding Facility (STHF) Rules 2018.....	33
Supplemental.....	33
Rule 56 - Delegation by the manager or person for the time being in charge ...	33
Part 9 of the Short-term Holding Facility (STHF) Rules 2018.....	34
Miscellaneous.....	34
Rule 57 - Extension of Part 8 of the Immigration and Asylum Act 1999 to short term holding facilities.....	34

About this guidance

The [Short-term Holding Facility Rules 2018](#) (the STHF Rules), which were laid before Parliament on 27 March 2018 and came into force on 2 July 2018, place the day-to-day operation of residential STHFs and non-residential STHFs (holding rooms) on a statutory footing.

In addition to STHFs in the UK, the STHF Rules also apply directly to holding rooms at the juxtaposed controls at Coquelles in northern France.

In due course, the STHF Rules will also apply to the juxtaposed controls at Calais and Dunkirk, though extending Statutory Instruments will be needed to do this. Until those Statutory Instruments (to be made under the affirmative procedure) are in force the STHF Rules do not apply to holding rooms at either Calais or Dunkirk, although the spirit of the STHF Rules should nevertheless be followed there in the meantime.

The STHF Rules do not apply to the juxtaposed controls at the Eurostar rail terminals at Paris, Lille, Fretun or Brussels. This is because detainees are held in public waiting areas at those stations, rather than holding rooms, for short periods of time pending being handed to Border Force's French or Belgian counterparts.

The STHF Rules do not apply to individuals held at the 'controlled waiting areas' of the Primary Control Point (PCP) at the border because, at this stage, the individual is not being detained in a dedicated holding room.

This guidance explains the provisions within the STHF Rules, including links to the specific Detention Services Orders (DSOs) which are referred to in the text.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Detention Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- Version **1.0**
- published for Home Office staff on **2 July 2018**

Changes from last version of this guidance

New guidance.

Related content

[Contents](#)

Part 1 of the Short-term Holding Facility (STHF) Rules 2018

Rule 1 - Citation and commencement

This rule is self-explanatory.

Rule 2 - Interpretation

Rule 2 sets out definitions of certain terms used in the STHF Rules. Amongst the most significant of these definitions are the following:

'Manager' in relation to a 'contracted-out' STHF (in other words, residential STHFs and holding rooms operated by contractor staff) is defined as a member of the contractor staff who has been designated to undertake the tasks of a manager under the STHF Rules and is also certified as a detainee custody officer (DCO). In practice, it would be the most senior member of contractor staff on duty at any time. In relation to a 'directly managed' STHF (in other words, port holding rooms staffed by Border Force officers) it is defined as a member of their staff designated as being responsible for the tasks which fall to the manager under the STHF Rules.

'Holding room' is defined as being an STHF where a detained person may be detained for a period of not more than 24 hours, unless a longer period of detention is authorised by the Secretary of State (in practice a Home Office official).

'Health care professional' is defined as being a registered medical practitioner (a doctor) or a registered nurse.

The definition of the term 'port' covers both airports and seaports.

Related content

[Contents](#)

Part 2 of the Short-term Holding Facility (STHF) Rules 2018

Rule 3 - Application of these rules

This sets out the scope of the STHF Rules and is self-explanatory.

Rule 4 - Places of detention

This makes clear that the STHF Rules do not apply to certain other types of places of detention where individuals may be detained under Immigration Act powers:

- police stations
- hospitals
- young offender institutions
- prisons and remand centres
- any premises where appeals are heard under Part 5 of the Nationality, Immigration and Asylum Act 2002 or Special Immigration Appeals Commission Act 1997

The STHF Rules do not apply to immigration removal centres (IRCs) or pre-departure accommodation (PDA).

Rule 5 - Directly managed short-term holding facilities

This highlights that the STHF Rules apply to directly managed STHFs (with the exception of rule 41 - staff employed by the contractor), subject to a number of modifications set out in subparagraphs (2) to (6) of this rule.

Rule 6 - Holding rooms

This rule limits the length of time a person can be detained in a holding room to a normal maximum of not more than 24 hours, though in exceptional circumstances this can be extended if the extension is authorised by the Secretary of State (in practice, a Home Office official acting on behalf of the Secretary of State).

Detained persons are generally held in port holding rooms for far less than 24 hours, often for only a matter of a few hours.

Detained persons are not held in reporting centre holding rooms for 24 hours or more as the facilities are not open 24 hours a day.

Authority to extend a detainee's stay in a holding room must be obtained before the 24-hour point is reached from an officer of at least Senior Officer or Senior Executive Officer level. It is the responsibility of Border Force staff or (in the case of the Kent Intake Unit) UK Visas and Immigration staff to seek, and obtain, the necessary

authority to extend a detainee's period of stay in a holding room beyond the normal maximum of 24 hours. The authority should, wherever practicable, be sought and obtained in person. Where this is not practicable (for example, because there is not an officer of the required level present at the port) the authorisation may be sought and obtained over the telephone.

The request for authority and the grant, or refusal, of authorisation must be recorded on the Case Information Database (CID) and the port file. This must include all the following:

- the time the person was initially detained
- the time of the authorisation request and the time of the authorisation (or refusal) decision
- the reason for extending (or refusing to extend) the period of detention

Where an extension of stay in a holding room is authorised the record must also include both:

- the name of the person who has authorised the extension with their grade
- the period of time for which the extension was authorised

Where authority to extend a detainee's stay in a holding room is given it is important that authority must be given for a specific period of time. It must not be open-ended. It should be for no longer than is considered reasonably necessary to deal with the particular exceptional circumstances which gave rise to the need to extend the stay in the holding room in the first place. This initial authority must not exceed 12 hours.

If it appears likely to be necessary to detain someone in a holding room at the border for over 36 hours the authorisation for their continued stay in a holding room should be given by an officer of at least Assistant Director or grade 7 level. Such authority must be obtained before the 36-hour point is reached. This authority should, wherever practicable, be sought and obtained in person. Where this is not practicable (for example, because there is no officer of Assistant Director or grade 7 level present) the authorisation may be sought, and obtained, over the telephone. Agreement (or refusal) of authorisation to extend detention beyond 36 hours should be recorded in the same manner as set out above.

In line with existing Border Force guidance, authority to initially detain children under the age of 18 at the border (whether accompanied or part of a family group) should be given at no lower than senior officer level. Such cases should be prioritised above other case types. A Border Force Regional Director or grade 5 authorisation must be obtained where any child (whether unaccompanied or as part of a family group) is to be detained in excess of 24 hours. [In this context, please note that an unaccompanied child being detained for removal must be in accordance with the limits set out in paragraph 18B of Schedule 2 to the Immigration Act 1971.]

Neither the STHF Rules, nor this guidance, define what constitutes 'exceptional circumstances' in this context. This is deliberate, as it would be impossible to capture in one definition all the circumstances in which it may prove necessary to extend

someone's stay in a holding room beyond the normal maximum of 24 hours. However, it is likely to include, for example, the timing of their return flight, unexpected delays to their return flight, removal directions being set for a point shortly after the 24-hour stage, escort availability or escort delays (in the case of detainees awaiting transfer to an immigration removal centre).

Rule dis-applications and modifications

Rule 6 lists those other STHF Rules, or subparagraphs of STHF Rules, that do not apply to holding rooms, or where modified arrangements apply, because it would not be possible or practicable for the STHF Rules in question to be met, or to be met fully, given the limited nature of the accommodation that holding rooms provide and the facilities available in them.

The STHF Rules that do not apply to holding rooms are:

- accommodation (rule 13)
- sleeping accommodation (rule 14)
- clothing (rule 16)
- correspondence (rule 24)
- visits (rule 25)
- access to the internet (rule 29)
- medical screening (rule 30)
- special illnesses and conditions (rule 32)
- removal from association (rule 35)
- temporary confinement (rule 37)
- visitors (rule 50)

As a result, the provisions of the STHF Rules do not apply to holding rooms, or to the persons detained in such facilities.

Sub-paragraphs (1) and (2) of rule 15 (families and minors) covering a detained family's right to family life and the provision of sleeping accommodation for detained families have been dis-applied to holding rooms, as have sub-paragraphs (1)(b) and (c) of rule 18 (hygiene) covering the provision of facilities for detainees to bathe or shower, and shave.

The STHF Rules that are modified or substituted for holding rooms are:

- rule 20 (time in open air)
- rule 23 (outside contacts)
- rule 27 (legal adviser)
- rule 31 (general medical care)

The substitution for rule 20 (time in open air) provides that time in the open air may be refused to detainees in holding rooms either in exceptional circumstances in the interests of security and/or safety, or where the location or design of the holding room means that it is not practicable to permit detainees to spend time in the open

air, for example where the holding room is located in an airport terminal building which does not have direct access to outside space.

The substitution for rule 23 (outside contacts) provides for detainees in holding rooms to communicate by telephone with individuals outside the holding room in which they are detained, except where this would be contrary to the interests of security or safety.

Rule 27 (legal adviser) has been modified so that legal advisers may not visit individuals detained in port holding rooms that are in an area of a port that cannot be accessed by members of the general public.

The substitution for rule 31 (general medical care) provides that detainees in holding rooms must have prompt access to a health care professional, including arrangements for transfer to hospital if necessary, if they become ill or sustain an injury. In holding rooms where there are no on-site healthcare staff, or access to other healthcare professionals, this requirement is likely to have to be met by calling for an ambulance to attend to the person or, if appropriate, take them to hospital.

Related content

[Contents](#)

Part 3 of the Short-term Holding Facility (STHF) Rules 2018

Admission and discharge

Rule 7 - Information to detained persons about these Rules and the short-term holding facility

This rule sets out the information that must be made available to detainees in all STHFs. This is as follows:

- a copy of the STHF Rules
- information about any procedures in place for applying for immigration bail
- information about the right to seek legal advice
- details about the procedures at the STHF in which they are detained

The rule requires that the specified information needs to be made available to detainees to consult if they so wish. In relation to the requirement about information on the right to seek legal advice, this may be met by means of posters or leaflets on the subject to be available to read. It does not require detainees to be provided with assistance to access such advice. There is, however, no prohibition on STHF staff providing detainees with reasonable assistance to access legal advice, including via a telephone translation service where the person has a poor command of English.

Where the above information is available in translated format it must be made available to any detainee who requires it but, where it is not available, the rule does not require the Home Office proactively to get the information translated. Any detainee who is under 18 years of age, or who has difficulties understanding written information, must have the above information explained to them in a language they understand.

The requirement to provide information about immigration bail does not apply to detainees at the juxtaposed controls in France. This is because immigration bail is not applicable at the juxtaposed controls.

Rule 8 - Record, photograph and fingerprinting

This specifies that a personal record must be set up for each detainee which records their name and date of birth. It may also include other information, including the individual's external physical characteristics, for example, their height and/or hair colour.

In port holding rooms to facilitate compliance with the provision allowing detention to be extended beyond 24 hours in exceptional circumstances the detainee record should also include the time the individual entered the holding room.

To facilitate compliance with rule 21 (religion), it is also advisable that the detainee record includes details of the person's religion, provided they wish to disclose it.

The rule also provides that detainees may be photographed on initial reception at the STHF, and subsequently if necessary, and their fingerprints taken.

Information in the detainee's personal record, and any photographs of them, must not be shared with anyone unless that person is authorised to receive it by the Secretary of State. Any sharing of a detainee's personal information must be in accordance with the [General Data Protection Regulation](#) and the [Data Protection Act 2018](#).

Rule 9 - Detained person's property

This rule is concerned with the arrangements for recording and storing detainees' property (including cash) and the arrangements for returning such property on a detainee's discharge from detention, or for its disposal in the event of their death in detention.

The rule also covers the confiscation of unauthorised property in the interests of safety or security, or where it is incompatible with the storage facilities of the facility. Items which have been confiscated from a detainee may be returned to the detainee, or disposed of by the STHF manager, on their discharge from detention.

Detainees' property must be dealt with in line with guidance set out in Detention Services Order 06-2012 (Management of Property), also published on GOV.UK as [Managing property of detainees in the UK](#).

If a detainee leaves any property behind on their discharge from detention the rule requires that their property to be retained for a period of 28 days to allow an opportunity for it to be reclaimed. In the event that someone dies whilst detained in an STHF this rule requires that their property must be retained for 6 months.

If the property remains unclaimed at the end of these periods of time it may be sold or disposed of, with proceeds from the sale being used for the benefit of detainees. There is, however, no requirement that it must be sold.

Rule 10 - Search

This rule provides that searches of detainees will be undertaken by a detainee custody officer or immigration officer for reasons of safety or security when the individual is first detained, again on their reception at the short-term holding facility and thereafter when it is considered to be necessary or as directed.

This includes children under the age of 18. However, where a person under the age of 18 years is detained with their parents, or a carer, wherever possible, that individual must be present when the child is being searched.

Searching must take place in line with guidance set out in Detention Services Order 09-2012 (Searching), also published on GOV.UK as [Searching detainees at removal centres](#) or, in the case of holding rooms staffed by Border Force, in Border Force guidance (Escorting Immigration Detainees). Searching of any detainee who identifies as transsexual must be in line with the guidance set out in Detention Services Order (DSO) 11-2012 (Care and Management of Transsexual Detainees), also published on GOV.UK as [Caring for and managing transsexual detainees](#).

Any item located during a search of a detainee which is considered likely to compromise the security of the STHF, or the safety of any person, may be seized, retained and disposed of. This may include, but is not limited to, blades or knives. 'Disposal' also includes returning an item to a detainee on their discharge, if appropriate.

This rule prohibits 'full searches' of anyone under 18 years. A 'full search' is defined in this rule as being a search involving removal of an item of a detainee's clothing worn wholly or partly on the trunk and worn either next to the detainee's skin or next to an item of underwear. Full searches of adult detainees must not take place in the presence of another detainee or a person of the opposite sex to the detainee.

Intimate searching (defined in this rule as being a physical examination of a person's bodily orifices, other than the mouth) of a detainee in a short term holding facility is not permitted.

The rule also provides for the confiscation and disposal of any unauthorised item which is found concealed during a search or of any item located during a search which may endanger the security of the STHF or any person. Although this would include items that are considered dangerous, it would not be limited to that. For example, mobile phones with recording facilities smuggled into the STHF and located as a result of a search would also come within the scope of the rule.

As a matter of good practice notices should be displayed prominently around residential STHFs to inform detainees (and staff and visitors) that they are liable to be searched.

Rule 11 - Custody outside short term holding facilities

This rule requires that a detainee being escorted either to, or from, an STHF must be exposed to as little public observation as possible and where someone is initially detained outside an STHF they must be in the custody of a detainee custody officer, immigration officer or police constable.

Rule 12 - Reasons for detention and up-date of claim

This rule requires detainees to be provided with written reasons for detention at the time of their initial detention (the IS.91R form - Reasons for Detention and Bail Rights), and following any subsequent review of detention, and to be provided with certain specified information, on request. It differs from the equivalent rule 9 of the Detention Centre Rules 2001, which requires detainees in immigration removal

centres (and prisons and remand centres, hospitals and young offender institutions) to be provided with written reasons for their initial detention and following monthly reviews of their detention. Please note that Border Force issue form IS.81 at the point of someone's initial detention at the border, which provides the basic rationale for their detention. In these cases, the IS.91R form is served if the individual is detained for a longer period, usually when the person enters a port holding room.

Although the STHF Rules do not explicitly require it, in line with normal practice, where a detainee does not have a sufficiently strong command of English the contents of the IS.91R form should be explained to them in a language they understand, using a telephone translation service if necessary.

Following a person's initial detention published Home Office detention – general guidance, also published on GOV UK as [Detention and temporary release](#), requires their continued detention to be reviewed at the 24-hour point to ensure that it remains appropriate and lawful. This will apply to detainees in residential STHFs and to those in port holding rooms for whom an extension of stay beyond the normal 24-hour maximum has been authorised in line with the provision contained in rule 6.

Such 24-hour reviews are typically carried out by the Detention Gatekeeper Team (DGT), though in Border Force cases DGT responsibility for undertaking 24 hour reviews is confined to cases in which it is intended to transfer the individual to the wider detention estate.

In many instances, particularly Border Force cases, the basis of the individual's detention will have changed by the 24-hour review point (that is from detention under paragraph 16(1) of Schedule 2 to the Immigration Act 1971 to detention under paragraph 16(2) of Schedule 2). In line with existing Home Office detention policy, a fresh IS.91R form should therefore have been served on the person, containing updated reasons for their detention to reflect the change in the basis for their detention.

At the 24-hour review point the detainee must be notified in writing of the outcome of their detention review. This should be done using form IS.151F (STHF). In many cases this form will simply be re-confirming to the individual that the reasons for their detention remain the same as set out on the IS.91R form served on them when they were initially detained or (where an updated IS.91R has been served on them) as set out on the updated form.

In relation to Border Force cases, as indicated above, although responsibility for conducting the 24-hour detention review may have fallen to the Detention Gatekeeper if the detainee remains within a port holding room responsibility for generating and serving the IS.151F (STHF) form on the detainee lies with Border Force.

As required by published Home Office detention policy guidance an individual's detention must also be reviewed on an ad hoc basis where there is a change in circumstances that may be relevant to the decision to detain them. The outcome of any such ad hoc review of detention carried out whilst the individual remained

detained in an STHF must also be transmitted to the person. Again, this should be done using the IS.151F (STHF) form.

Following service of any detention review CID must be updated to that effect, along with the time the review was served and the name of the officer responsible for serving it. In residential STHFs, where there is no Home Office presence, responsibility for updating CID would rest with the Detainee Monitoring and Population Management Unit (DEPMU).

Facilities

Rule 13 - Accommodation

This rule requires sufficient accommodation to be provided for detainees in residential STHFs and for detainees' sleeping accommodation to be certified as appropriate in terms of its lighting, ventilation, fittings and storage, as well as allowing detainees to communicate with staff at any time.

Any room in a residential STHF that is used for the purposes of removal from association (under rule 35) or temporary confinement (under rule 37) must be similarly certified.

Certificates must specify the maximum number of detained persons who may be accommodated in any particular room.

This rule does not apply to holding rooms.

Rule 14 - Sleeping accommodation

This rule provides that detainees in residential STHFs must be provided with separate sleeping accommodation from detainees of the opposite sex.

There is an exception for family members who are detained together who must be permitted to exercise their right to a private and family life under Article 8 of the European Convention on Human Rights whilst detained.

This rule does not apply to holding rooms

Rule 15 - Families and minors

This rule is concerned with ensuring that detained families in residential STHFs are able to enjoy family life whilst they are detained by, for example, allowing them to eat and/or socialise with each other. This must be consistent with the need to maintain security and safety and therefore if, for example, one family member posed a risk of harm to other members of the family this requirement can be overridden.

Detained families and unaccompanied minors under the age of 18 in residential STHFs must be provided with sleeping accommodation that cannot be accessed by unrelated, adult detainees.

Please note that for the purposes of this rule a 'family' is considered to be as set out in Detention Services Order 01-2014 (Definition of a family), also published on GOV.UK as [Families in immigration removal centres](#).

This rule does not apply to holding rooms.

Rule 16 - Clothing

This rule permits detainees to wear their own clothes whilst detained, provided the clothes are suitable and clean, and to make arrangements to have clothing supplied to them from outside the STHF.

If a detainee requires it, they must be provided with clothing adequate for warmth and health.

The rule does not apply to holding rooms.

Rule 17 - Food

This rule requires the provision of adequate food and drink to detainees in STHFs. Food must be nutritionally balanced and, where practicable, meet the religious, dietary or medical needs of detainees.

The expectation is that in holding rooms this requirement may be met through the provision of light refreshments and snack food, whilst in residential STHFs hot meals should be provided (at least for lunch and dinner).

There must be arrangements in place to monitor the quality of food and drink provided and remedy any shortcomings identified.

Rule 18 - Hygiene

This requires detainees in all STHFs to be provided with toiletries for their personal health and cleanliness, if required.

In residential STHFs detainees must also have the opportunity to bathe or shower and shave on a daily basis. These requirements do not apply to holding rooms.

The provision of toiletries, or access to facilities to bathe or shower, or shave may be refused where it is considered this would be contrary to the security of the STHF or safety of any detainee or other person. This would include, but is not limited to, cases where there is evidence to indicate that the individual may have suicidal intentions.

Rule 19 - Recreation

This rule requires detainees in all short term holding facilities to be provided with recreational facilities 'so far as is reasonably practicable'.

In port and reporting centre holding rooms, where people are usually detained only for very short periods of time and there are thus limited facilities available, this requirement could be met through, for example, the provision of books or magazines for adults and older children, along with some toys for younger children.

In residential STHFs, where people may be detained for a possible maximum of 7 days, the expectation is that there would be a higher level of recreational provision for detainees, for example, access to television, DVDs and games consoles.

Rule 20 - Time in open air

This requires detainees to be permitted to spend at least one hour in every 24 hours in the open air. Although this requirement does not, strictly speaking, come into effect until an individual has spent 23 hours in detention, in the interests of detainees' welfare, wherever possible consideration should be given to allowing them to spend time in the open air before this time frame is reached. Similarly, the requirement is a minimum and thus, where practicable, consideration should be given to permitting more frequent access to the open air.

Access to time in the open air at residential STHFs or holding rooms may be refused in exceptional circumstances where this is considered necessary in the interests of security or the safety of the detainee or any other person. This would include but is not limited to circumstances in which there is evidence that a particular detainee poses a risk of escape. As indicated in the above section on rule 6, access to the open air may additionally be refused at holding rooms where the design or location of the facility means that it is not reasonably practicable, for example, when a holding room is located in an airport terminal building which does not have direct access to outside space.

Religion

Rule 21 - Diversity of religion and Rule 22 - Religious denomination

The STHF Rules require STHFs to take account, as far as practicable, of the different religious and cultural backgrounds of detainees and for a detainee's religion to be recorded, if they so wish.

Communications

Rule 23 - Outside contacts

This is a preamble to STHF Rules 24, 25, 28 and Part 6 (Persons having access to short-term holding facilities) providing for detainees in residential STHFs to maintain contact with individuals outside the STHF, provided this does not conflict with the interests of safety and security of the facility, the detained person or other persons.

There is a substitution for rule 23 for holding rooms at rule 6(6), which provides that detainees in holding rooms may have telephone contact with other individuals outside the holding room, provided this would not prejudice the security of the holding room, or the safety of the detainee or other persons.

Rule 24 - Correspondence

This is concerned with the arrangements for detainees to send and receive letters and/or faxes, and sets out the circumstances in which the Home Office will meet the costs of postage and faxes if a detainee does not have the means to pay personally.

Rule 25 - Visits

This provides for detainees in residential STHFs to receive visits, though they may be restricted in certain circumstances, in line with Detention Services Order 04-2012 (Visitors and Visiting Procedures), also published on GOV.UK as [Visitors and visiting procedures for detainees](#). Such visits must take place within the sight, though out of hearing, of a member of staff, unless directed otherwise. There is an exception to this for legal advisers, who must be able to meet detainees in confidence (see rule 27).

This rule does not apply to holding rooms, though this disapplication does not apply to legal visits (but see rule 27) or visits by members of IMBs (see rule 52).

It is not permitted for visitors to STHFs to take photographs, or any other form of digital or electronic record of the facility, without approval from the Secretary of State.

Rule 26 - Official interviews

This rule provides that detainees may be interviewed by immigration officers, police officers, government officials or consular officers if they are obliged to attend such an interview or are otherwise willing to be interviewed by them.

There is no stipulation in the rule about where such interviews should take place: they may be either on the premises of the STHF or elsewhere.

Rule 27 - Legal adviser

This makes provision for detainees to meet with their legal advisers in confidence in STHFs. Such visits may be in the sight of an officer but must not be in their hearing.

There is a modification for this rule in relation to holding rooms (see rule 6(7)) which prevents legal advisers visiting detainees in port holding rooms if the holding room is located in an area of a port that cannot be accessed by the general public. Where this applies, the detainee must be able to contact their legal adviser by telephone.

There are no prohibitions on legal advisers visiting detainees in reporting centre holding rooms.

Rule 28 - Use of telephones

This rule provides that detainees in STHFs must have access to a telephone to make calls, and the means to receive incoming telephone calls, which they must be notified of promptly.

Access to a telephone in this rule includes access to a mobile telephone. Access to mobile phones by detainees is governed by instructions set out in Detention Services Order 08-/2012 (Mobile phones and cameras), also published on GOV.UK as [Mobile phones and cameras in immigration removal centres](#).

The rule provides that reasonable limits and conditions may be placed on a detainee's use of the telephone. This may include, but is not limited to, situations in which one detainee is monopolising use of a landline telephone at an STHF to the detriment of other detainees who also want to use it.

Where detainees do not have the funds to make calls these may be paid for, again within reasonable limits.

Rule 29 - Access to the internet

This rule provides for detainees in residential STHFs to have access to the internet. Access is subject to reasonable limits and conditions, as set out in Detention Services Order 04/2016 (Access to the internet), also published on GOV.UK as [Internet access for detainees](#).

A detainee's access to the internet may be suspended by the manager of the STHF where this is considered necessary. This would include, but is not limited to, situations in which a detainee is attempting to access prohibited internet sites or is spending a disproportionate amount of time using the internet to the detriment of other detainees. Where this happens, the individual must be given written reasons for this and the Secretary of State (in practice the Home Office Immigration Enforcement DEPMU Contract Monitor) must be notified of the suspension as soon as possible.

This rule does not apply to holding rooms, which do not have internet facilities.

Health care

Rule 30 - Medical screening

This requires a detainee in a residential STHF to be screened by a health care professional (in practice, usually a nurse) within 2 hours of their admission to the facility, provided they give their consent. A detainee is entitled to request to be screened by a health care professional of the same sex as themselves. If a health care professional of the same sex as the detainee is not immediately available the STHF manager must ensure one is available as soon as practicable.

Where a detainee makes a request to this effect, operational difficulties obtaining a health care professional of the requisite sex may mean that, on occasions, the individual's health care screening does not take place in the 2-hour window required by rule 30(1). In practice, where, despite the manager's best efforts, it is not possible to obtain a health care professional of the same sex as the detainee who has made the request then, if it is expected that the person's detention will continue, and they maintain their wish to be seen by a healthcare professional of the same sex as themselves, consideration should be given to transferring the individual to an immigration removal centre for the screening to take place.

This rule does not apply to holding rooms, which do not have on-site health care staff.

Rule 31 - General medical care

This is concerned with ensuring that detainees in residential STHFs have access to a 'health care professional', which is defined by rule 2 as being either a registered medical practitioner or registered nurse. Any request to be seen by a health care professional must be recorded and passed on promptly. Where such a request is made, the health care professional notified must see the individual as soon as practicable. As with rule 30, a detainee is entitled to request an examination by a health care professional of the same sex as themselves. If a health care professional of the same sex is not immediately available the STHF manager must ensure one is available as soon as practicable.

Where, despite the manager's best efforts, it is not possible to source a healthcare professional of the requisite sex if it is expected that the person will remain in detention, rather than being released imminently, consideration should be given to transferring them to an immigration removal centre for the medical appointment to take place.

This rule also entitles detainees to request access to a registered health care professional, other than those available at the facility or those consulted by them. This is subject to the following caveats: that the detainee must pay for any expenses incurred; the manager and the Secretary of State must be satisfied that there are reasonable grounds for the request; and that the attendance of the requested health care professional must be in consultation with the health care professionals at the facility.

Health care professionals in residential STHFs treating a detainee are responsible for obtaining, as far as possible, the individual's existing medical records and ensuring that a summary of any treatment received whilst in the facility is recorded on the individual's clinical notes. When an individual is transferred to another detention facility these notes are handed to the transferring detainee custody officer (DCO) in a sealed envelope when the individual leaves the STHF and are passed on to healthcare staff at the receiving centre. A copy of any medical records is also kept within the transferring facility. Where a detainee is involved in legal proceedings the rule allows the detainee to be examined by a registered health care professional selected by, or on behalf of, the detainee and for that health care professional to be given reasonable facilities to examine the individual.

There is also an obligation on any member of staff who has concerns about the physical or mental health of any detainee to bring the matter to the attention of a health care professional at the STHF.

Rule 6 contains a substitution for rule 31 insofar as holding rooms are concerned to reflect the fact that, unlike residential STHFs, they do not have on-site health care staff. It requires that there must be prompt access to a health care professional, including making arrangements for transfer to hospital if necessary, where a detainee in a holding room becomes ill or sustains an injury such that it requires medical attention from healthcare staff. This would include provision of medical care for any individual requiring attention by health care staff as a result of a pre-existing illness or injury they had on their initial admission to detention.

Rule 32 - Special illnesses and conditions

This provides arrangements for the health care professionals in residential STHFs to report to the Secretary of State where they have concerns that:

- a detainee's health may be injuriously affected by their continued detention in a short-term holding facility or any conditions of detention
- a detainee may have suicidal intentions
- an individual may have been a victim of torture

The rule is equivalent to rule 35 of the Detention Centre Rules 2001.

As indicated above, by virtue of rule 2 'health care professional' may be either a registered medical practitioner or a registered nurse. Accordingly rule 32 reports may be made by either doctors or nurses.

Rule 32(6) defines 'torture' as being:

“any act by which a perpetrator intentionally inflicts severe pain or suffering on a victim in a situation in which-

- (a) the perpetrator has control (whether mental or physical) over the victim; and
- (b) as a result of that control, the victim is powerless to resist.”

This reflects the definition of torture set out in the Detention Centre (Amendment) Rules 2018 (SI 411/2018), also laid before Parliament on 27 March 2018, which came into force on 2 July 2018.

Rule 32 reports must be passed to the Secretary of State without delay in line with guidance set out in Detention Services Order 09/2016 (Detention Centre rule 35 and Short-term Holding Facility rule 32), also published on GOV.UK as [Detention Rule 35 process](#), and responded in the time scales specified in that instruction. Reports must be considered in line with the guidance on Adults at Risk in Immigration Detention.

In line with Detention Services Order 09/2016, health care professionals at residential STHFs are not required to submit a rule 32 report if they do not have a concern about a particular detainee.

The rule also requires healthcare professionals at residential STHFs to pay special attention to any detainee with mental health conditions.

Rule 32 does not apply to holding rooms, which do not have on-site healthcare staff.

Rule 33 - Notification of illness or death

This requires that the manager of the STHF must inform the Secretary of State in the event that a detainee dies, becomes seriously ill, sustains a severe injury or is moved to hospital whilst detained in an STHF.

Where this happens in residential STHFs the Detention Custody Manager (DCM) would inform the DEPMU Duty HEO, whilst in contractor-staffed holding rooms the service delivery manager is responsible for informing the DEPMU Duty HEO. The detainee's spouse, civil partner or next of kin (where known) and any other person that the detainee has ask to be informed must also be informed by the Detention and Escorting Services Family Liaison Network 'on call' officer.

Please note that in the event of a detainee's death in a contractor-staffed holding room or residential STHF procedures set out in Detention Services Order 8 2014 (Notification of death), also published on GOV.UK as [Deaths in detention](#), must be followed.

In the event of a detainee dying, sustaining a severe injury, becoming seriously ill or needing to be transferred for hospital in a Border Force-staffed holding room there would be a notification process escalated via the local Border Force manager to the relevant Border Force Regional Command Centre (RCC) and Border Force National Command Centre (NCC). Again, the detainee's spouse, civil partner or next of kin (where known) and any other person that the detainee has ask to be informed must also be informed.

Additionally, in the event of a detainee death in an STHF, rule 33 (4) requires that the police, coroner or Procurator Fiscal (in Scotland) and Visiting Committee (known as the Independent Monitoring Board) responsible for the facility must also be informed without delay.

Rule 34 - Requests and complaints

This rule provides that a detainee can make a complaint or request, in confidence, either orally or in writing, to the STHF manager, to the Home Office or to the Visiting Committee (known as the Independent Monitoring Board).

Written complaints or requests may be submitted in the detainee's own language.

Complaints are dealt with in line with guidance set out in Detention Services Order 03/2015 (Complaints Handling), also published on GOV.UK as [Handling complaints in immigration removal centres](#), and responded to within the timescales specified in that instruction.

Responses to complaints will be in English, in line with arrangements set out in the above Detention Services Order.

Related content

[Contents](#)

Part 4 of the Short-term Holding Facility (STHF) Rules 2018

Maintenance of security and safety

Rule 35 - Removal from association

This is concerned with the arrangements that apply when it is necessary to remove a detainee from association with other detainees in residential STHFs in the interests of safety or security. It also sets out the arrangements for monitoring individuals who are removed from association and the time limits that apply to it.

In implementing this rule staff must comply with instructions set out in Detention Services Order 02-2017 on detention centre (DC) Rules 40 and 42, and STHF Rules 35 and 37, also published on GOV.UK as [Removal from association and temporary confinement](#).

Under this rule a detainee may not be removed from association for more than 24 hours without written authority from the Secretary of State, which must state the reasons for removing the individual from association and the length of time the authority lasts for.

Authority to extend removal from association beyond this initial 24-hour period may be given for a period of no more than 7 days.

In an emergency, there is provision for the STHF manager to authorise a detainee's removal from association, though where this happens the Secretary of State must be informed without undue delay.

Removal from association must not be used as a punishment.

Detainees who are removed from association must be provided with written reasons for the decision within 2 hours of it being made and any renewal, unless, in exceptional circumstances, it would be contrary to the security of the STHF or the safety of the detainee safety or other persons. Each removal from association must be recorded and the Visiting Committee (known as the Independent Monitoring Board) informed. The STHF manager and a healthcare professional must visit a detainee who has been removed from association at least once a day for as long as they remain in that situation. Detainees must be permitted to resume association with other detainees if the healthcare professional advises this on medical grounds.

This rule does not apply to holding rooms.

Rule 36 - Use of force

This makes clear that detainee custody officers and immigration officers must not use force on a detainee unnecessarily and must not behave in such a way as to

provoke a detainee. Where force is used then no more force than is reasonable may be applied.

Where force is used on a detainee it must be recorded and reported to the Secretary of State without delay.

In practice, for residential STHFs and contractor-staffed holding rooms any incident involving use of force should be recorded on a 'use of force' form (filled in manually but then electronically scanned) and reported to both the Home Office Immigration Enforcement 'use of force monitor' and the Contract Monitor, who are responsible for providing additional oversight.

For Border Force-staffed holding rooms any incident involving use of force must be recorded on a digital 'use of force' form on the Border Force national database. Digital data from use of force reports are accessed by line managers, local command units and assurance units to respond to investigations and inspections. Such data are also extracted from the central database to give a regional and national picture of use of force activity by Border Force. These reports are then analysed to inform training and policy development at local and national levels.

Rule 37 - Temporary confinement

This is concerned with the arrangements that apply for dealing with a detainee in a residential STHF who is unmanageable or violent, including the arrangements as to whether application of the rule remains appropriate.

In implementing this rule staff must comply with instructions set out in Detention Services Order 02-2017 on detention centre (DC) Rules 40 and 42, and STHF Rules 35 and 37, also published on GOV.UK as [Removal from association and temporary confinement](#).

Under this rule a detainee must not be placed in temporary confinement for more than 24 hours without the written authority of the Secretary of State, which must state the reason the individual has been placed in temporary confinement and how long the authorisation (which must not exceed 48 hours in the first instance) lasts for. There is provision to extend the authorisation beyond this initial 48-hour point.

In an urgent situation, there is provision for the STHF manager to authorise a detainee's temporary confinement, though where this happens the Secretary of State must be informed without undue delay.

The STHF manager and a health care professional must visit an individual placed in temporary confinement at least once a day for as long as they remain there.

Individuals must not be placed in temporary confinement as a punishment.

Written reasons must be given to the detainee within 2 hours of the initial period of temporary confinement, or subsequent renewal period, unless, in exceptional circumstances, it would be contrary to the individual's safety or the safety of another

person at the STHF. Each period of temporary confinement must be recorded and the Visiting Committee (known as the Independent Monitoring Board) informed.

This rule does not apply to holding rooms.

Related content

[Contents](#)

Part 5 of the Short-term Holding Facility (STHF) Rules 2018

Staff of short term holding facilities

Rule 38 - General duties of staff

This requires staff to comply with the STHF Rules and report any instance of abuse or impropriety that comes to their attention in the course of their duties.

Contractor staff must report any incident of abuse and/or impropriety in line with their company's procedures.

Home Office staff may report any instance of abuse and/or impropriety to their line manager in the first instance, who will escalate the matter as appropriate.

The only exception to this is where the incident of abuse and/or impropriety involves the person's line manager, in which case staff must report the matter directly to their countersigning manager.

Where a Home Office member of staff considers the perceived wrongdoing to be a matter in the wider public interest, or is one that contravenes the Civil Service Code, they must report their concerns in line with the procedure set out in the Home Office Whistleblowing and raising a concern: procedure.

Rule 39 - Gratuities

Rule 39 requires that staff must not accept gratuities or any other form of unauthorised reward in connection with their post.

Rule 40 - Transactions with detained persons

Rule 40 requires that staff must not without authority involve themselves in any business or financial transactions with, or on behalf of, detainees and that they should not without authority take in or take out of the facility any article for detainees. For residential STHFs and contractor-staffed holding rooms such authority must be obtained from the DEPMU senior 'on call' officer. For Border Force-staffed holding rooms it must be obtained from an officer at Higher Officer level. Neither must staff allow any item to be taken in or out of the facility, or deposit any item such that it could come into the possession of a detainee.

Rule 41 - Staff employed by the contractor

This requires staff to cooperate fully with the Home Office contract monitor's statutory functions.

Rule 42 - Search of staff

This requires staff to submit themselves to being searched if required by the STHF manager. Any such search must be conducted in an appropriate fashion and must not involve removal of any item of clothing apart from an outer coat, jacket or gloves, in line with guidelines set out in Detention Services Order 09-2012 (Searching), also published on GOV.UK as [Searching detainees at removal centres](#), which applies to searching of both staff and detainees.

Any item located as a result of such a search which may compromise the security of the facility, or the safety of any person, may be seized, retained and disposed of.

Rule 43 - Contact with former detained persons or the friends and relatives of detained or former detained persons

Rule 43 requires that STHF staff must not, without authority, have any dealings with someone they know to be a former detainee at an STHF or an immigration removal centre (IRC), or with the relatives or friends of current or former detainees.

Related content

[Contents](#)

Part 6 of the Short-term Holding Facility (STHF) Rules 2018

Persons having access to short-term holding facilities

Rule 44 - Authorisation for access, Rule 45 - Prohibited items, Rule 46 - Control of Persons and Vehicles, Rule 47 - Viewing of Short Term Holding Facilities and Rule 48 - Visitors

These STHF Rules are collectively concerned with the security of STHFs, principally by ensuring that there is no access to an STHF by an unauthorised person and by providing for the confiscation of any prohibited items brought into, or removed from, a facility.

Where access to a facility is permitted, there is provision for individuals or vehicles to be stopped and searched. Searches of individuals must be conducted in an appropriate manner and the persons being searched must not be required to remove any item of clothing apart from an outer coat, jacket or glove. Any item located during such a search which may compromise the security of the facility or the safety of any person may be seized, retained and disposed of. Where appropriate, the STHF manager may authorise the removal of a person who does not leave the facility when required to do so, using reasonable force if necessary.

As a matter of good practice notices should be displayed prominently around residential STHFs to inform visitors (and detainees and staff) that they are liable to be searched.

Rule 44 prevents individuals entering an STHF without authorisation, whilst rule 48 is concerned with placing restrictions on visits to residential STHFs where there is a need to do so in the interests of security, safety or the interests of any person. Such restrictions do not apply to visits to a detained person by a member of the Visiting Committee (Independent Monitoring Board) or legal adviser.

In implementing this rule staff must follow instructions set out in Detention Services Order 04-2012 (Visitors and Visiting Procedures), also published on GOV.UK as [Visitors and visiting procedures for detainees](#), which clarifies the procedures to be followed by staff when checking the identity of official, professional and social visitors and when dealing with minors visiting detainees. It also explains the procedures to be adopted when placing a detainee on closed visits or when banning a detainee's visitors from a residential STHF.

Rule 48 (visitors) does not apply to holding rooms, which reflects the fact that rule 25 (visits) similarly does not apply to holding rooms.

Related content

[Contents](#)

Part 7 of the Short-term Holding Facility (STHF) Rules 2018

Visiting committees (otherwise known as independent monitoring boards)

Rule 49 - Conflict of Interest

This requires Visiting Committee (otherwise known as Independent Monitoring Board (IMB)) members to avoid situations which may present a conflict of interest with their role as an IMB member. This duty extends to people connected to IMB members, such as their friends and family, and work colleagues, and applies even after the individual has ceased to be a Visiting Committee member.

A member of the IMB who either has, or could have, such a conflict of interest must vacate their role as a committee member.

Rule 50 - Visiting Committees

This is concerned with the appointment of IMB members; their training and probation; and suspension and termination of their appointment. It also covers the appointment of IMB chairs and vice chairs and termination of their appointment.

Rule 51 - Proceedings of Visiting Committees

This requires members of an IMB to meet collectively once a month or, where they decide that less frequent meetings are sufficient, no fewer than 8 times over any 12-month period.

IMBs may set a quorum of at least 3 members for meetings and must keep minutes of all their meetings.

Rule 52 - Members visiting short term holding facilities

This rule requires IMB members to visit the STHF frequently and set up a rota to ensure that at least one member visits at least once a month.

IMB members have access, at all times, to all parts of the facility and may speak to detainees outside of the hearing of officers. They are permitted to interview detainees out of the hearing of staff.

Although IMB members have access to STHF records this is limited to those records which are necessary to discharge their responsibilities as IMB members. It would not, for example, include health care records or other personal information relating to a particular detainee.

Rule 53 - General duties of Visiting Committees

This sets out the general responsibilities of IMBs, namely: to inspect the state of the STHF premises, its administration and the treatment of detainees held there. In addition, an IMB must inquire into and report on any matter requested by the Secretary of State.

The IMB must inform the STHF manager about any matter which they consider they personally need to be aware of, which requires their attention, and report to the Secretary of State about any matter about which they consider the Home Office generally needs to be aware. They must additionally inform the Secretary of State immediately if any abuse of detainees comes to their attention. In practice, it is a matter for the IMB to decide to whom they should report their concern according to the nature of the issue in question (for example a local Home Office official, Home Office official at a national level or, in serious cases, to Home Office Ministers directly).

IMB members must not involve themselves in matters relating to a detainee's immigration status.

Rule 54 - Particular duties

An IMB member must visit detainees who, at the time of their visit to the STHF, have been removed from association under rule 35, or placed in temporary confinement under rule 37, and ensure the correct procedures have been followed in exercising the powers under those STHF Rules. IMBs must consider any complaint or request which a detainee wishes to make to them. They must also arrange for detainees' food to be inspected regularly and make enquiries into the case of any detainee whose mental or physical health is reported to them as likely to be injuriously affected by any conditions of detention.

Rule 55 - Annual Report

IMBs must produce an annual report for the Secretary of State covering the treatment of detainees within the facility, the state and administration of the facility, as well as providing any advice or suggestions they consider appropriate. The report must cover the preceding 12-month period, starting with the date that the IMB is first constituted: in other words, reports need not cover a calendar year.

The IMB must comply with any directions given to them by the Secretary of State in respect of a particular report or generally.

Related content

[Contents](#)

Part 8 of the Short-term Holding Facility (STHF) Rules 2018

Supplemental

Rule 56 - Delegation by the manager or person for the time being in charge

This provides that an STHF manager may, subject to authority from the Secretary of State, delegate any of their responsibilities as set out in the STHF Rules to a detainee custody officer or immigration officer.

Related content

[Contents](#)

Part 9 of the Short-term Holding Facility (STHF) Rules 2018

Miscellaneous

Rule 57 - Extension of Part 8 of the Immigration and Asylum Act 1999 to short term holding facilities

This provides for the extension to STHFs of particular provisions in the Immigration and Asylum Act 1999.

This rule does not have any operational implications.

Related content

[Contents](#)