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Detention, Prison & Your Rights

UK



This information sheet is for people who have arrived in the UK or are on the move. It explains the difference between detention centres and prisons, why people may be held in them, and what rights you have. It also gives basic information about immigration detention, possible offences related to arrival, and how to ask for release (bail) and get help. This information is general and may not cover every situation, but it can help you understand what is happening and what you can do.



Is it true that I can be arrested if I arrive to the UK?

Yes, it is possible.

If you arrive in the UK without permission, you may:

- Be detained under immigration powers (this is not a criminal punishment), or
- In some cases, be arrested and charged with a criminal offence

This depends on your situation, for example:

- How you entered the UK
- Whether you used false documents
- Whether the authorities believe a crime has been committed

Some people are taken to a detention centre, while others may be taken to a police station or prison.



What happens after I am stopped or arrested?

There are two main situations:

1. You are placed in immigration detention.
2. You are taken into the criminal system (police and prison).

It is important to understand the difference.

You can be arrested/detained on the day when you arrive or a few days after your arrival. You could be detained after your Asylum Screening Interview.



What is the difference between a detention centre and a prison?

Detention centre (Immigration Removal Centre):

- You are held because of your immigration status and/or because the government wants to remove you from the UK.
- There is no maximum time you can be held.
- You are not being punished for a crime.

Prison:

- You can be held in prison because of possible criminal offending, where a court is still deciding your case. You may be waiting for a court date.
- You can also be held in prison because of actual criminal offending where you have been given a sentence of imprisonment;
- You can sometimes be held in prison for administrative detention. This means you are being held for immigration reasons only and there is no criminal sentence.



What offences could lead to prison? (related to arrival)

It is illegal to enter or arrive in the UK without permission under the Immigration Act 1971 (section 24). Section 25 makes it a crime to help or organise illegal entry, such as arranging transport or crossings. New laws, including the Nationality and Borders Act 2022 and the Border Security, Asylum and Immigration Act 2025, have made offences stricter. This now includes **illegal entry or arrival, helping or organising crossings, and a new offence of endangering lives during sea crossings (for example, unsafe boat journeys, using threats, or refusing rescue in certain situations).**

It is also a crime to **prepare or supply boats or equipment for illegal crossings** and to **advertise or organise crossings online.**

Border Force may be able to **search you and seize and search your phones** and electronic devices to use as evidence in investigations.

You can also be arrested if you are **entering the UK without permission for the second time** or if you have a **serious conviction in another country.**



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**Why would I be detained under immigration powers?**

You may be detained if the Home Office has decided:

- They want to remove you from the UK. For example, removal to:
 - France under the new UK/France Transfer Scheme; or
 - To your home country if you do not have an asylum claim or when it has been refused.
- They need to check your identity

**Will I have a lawyer?**

You have the right to access legal representation. It is very important to speak to a lawyer as soon as possible. They will help you understand your case, including if there are any offences you are accused of, what they mean, and what could happen next. A lawyer can help you to protect your rights including by applying for asylum or release from detention/prison.

It is important to always ask your lawyer to clearly explain everything, especially any criminal or immigration offences, so you can fully understand your situation and options. You also have the right to an interpreter.

All Immigration Detention centres have a Duty Advice Scheme where you can speak to a lawyer for free for around 30 minutes. Different law firms visit on different days. Sometimes there is a waiting list so it is important to sign up as soon as possible. It is not guaranteed that a law firm will take on your case beyond this session.

In the police station, you have the right to a lawyer, an interpreter and a doctor. Do not answer any questions before your lawyer arrives. You have the right to remain silent.

**Who can help me in immigration detention?**

To understand your rights and get help applying for bail, you can contact:

- **Bail for Immigration Detainees (BID)**

Free Legal Advice Phone: 020 7456 9750, Opening times: Monday - Thursday, 10:00am - 12:00pm

- **AVID (Association of Visitors to Immigration Detainees)**

Freephone (for people in detention, family, and friends): 0800 138 6568

- **Solidarity Detainee Support:** 07438407570

- **Care4Calais on (07482847775)** you can send an SMS with your name and language.

**Can I use my phone in detention?**

Usually no.

- You cannot keep your mobile phone but you will be provided a new phone number to be able to make calls.
- also you may be able to use computers and access email.

**Important!**

- Remember your email address and password.
- Try to remember important phone numbers.
- You can email phone numbers, documents or any important information to yourself so that you can access it if your phone is taken away.
- Ask for help if you do not understand something
- Having a criminal record does not automatically exclude you from being recognised as a refugee. You still have the right to have your asylum claim processed by the Home Office.