

**BiD** Bail for  
Immigration  
Detainees

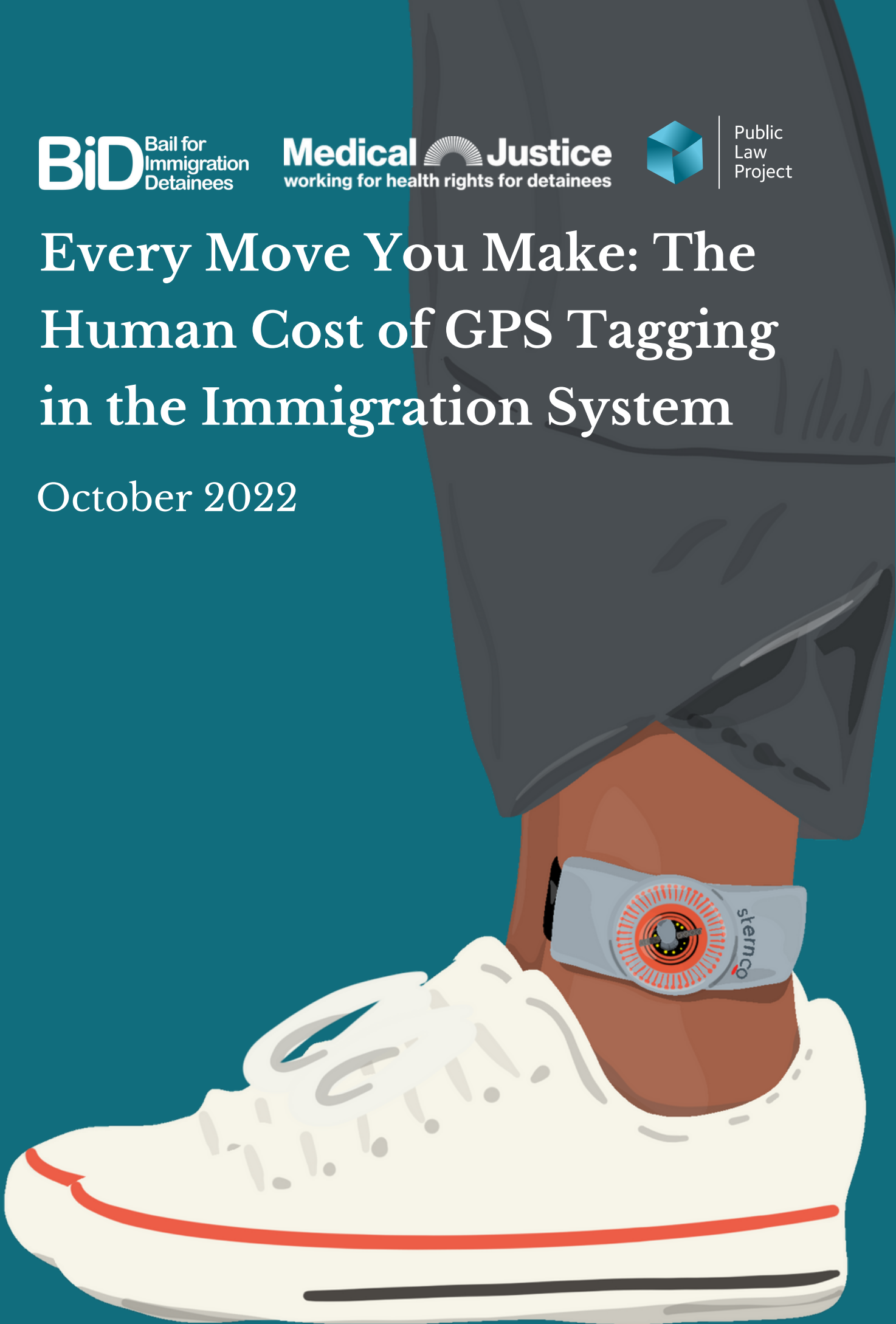
**Medical Justice**  
working for health rights for detainees



Public  
Law  
Project

# Every Move You Make: The Human Cost of GPS Tagging in the Immigration System

October 2022



## About BID

Bail for Immigration Detainees ('BID') is an independent charity that exists to challenge immigration detention in the UK. Our vision is of a world free of immigration detention, where people are not deprived of their liberty for immigration purposes. We challenge immigration detention by providing free legal advice, information and representation to thousands of people held in detention across the UK. Through our research and policy work, we challenge existing detention policy and practice as well as pressing for an end to detention. You can find out more about BID's work on their website: [www.biduk.org](http://www.biduk.org)

## About Medical Justice

Medical Justice is a charity enabling independent medical-legal assessments by volunteer clinicians for clients in immigration removal centres in the UK. Medical Justice is the only charity in the UK to send independent clinicians into all the Immigration Removal Centres (IRCs) across the UK. Our medical reports document scars of torture, serious medical conditions, deterioration of health in detention, injuries sustained during violent removal attempts and challenge instances of medical mistreatment. We receive around 600 - 1,000 referrals for people in detention each year. We help clients access competent lawyers to harness the strength of the medical evidence we generate. Evidence from our casework guides our policy work, research, parliamentary advocacy and strategic litigation. The British Medical Association believes that the use of detention should be phased out; Medical Justice agrees. The only way to eradicate endemic healthcare failures in immigration detention is to end immigration detention. You can find out more about Medical Justice's work on their website: <https://medicaljustice.org.uk/>

## About Public Law Project

Public Law Project is an independent national legal charity. We are researchers, lawyers, trainers, and public law policy experts.

Our aim is to make sure state decision-making is fair and lawful and that anyone can hold the state to account. For over 30 years we have represented and supported people marginalised through poverty, discrimination, or disadvantage when they have been affected by unlawful state decision-making. Public Law Project contributes and responds to consultations, policy proposals, and legislation to ensure public law remedies, access to justice, and the rule of law are not undermined. We provide evidence to inquiries, reviews, statutory bodies, and parliamentary committees in relation to our areas of expertise, and we publish independent research and guides to increase understanding of public law. Public Law Project's research and publications are available at: [www.publiclawproject.org.uk/resources-search/](http://www.publiclawproject.org.uk/resources-search/)

## Acknowledgements

We are extremely grateful to all of BID's staff and volunteers for their tireless efforts challenging immigration detention, and to the funders of BID, PLP and Medical Justice without whom this work would not be possible. We would like to thank the reviewers who offered their expertise in giving valuable feedback on an earlier version of this report. Most of all, we would like to thank the people who shared their experiences of living with a GPS tag, we hope that this report does justice to the testimonies that you gave us. This report was written by Rudy Schulkind, Woodren Brade, Jo Hynes and Kathryn Allinson and designed by Zaya Nasheed.

# Summary

## Introduction

This report explores the use of GPS Electronic Monitoring (EM), which is more colloquially referred to as ‘GPS tagging’, as one of the conditions of an individual being released from immigration detention on bail.

Anyone residing in the UK and who is subject to either deportation proceedings or a Deportation Order may be tagged as part of their immigration bail conditions [1].

Two recent changes introduced by the Home Office have greatly increased both the number of people monitored and the intrusiveness of the monitoring technology. First, in November 2020 the Home Office transitioned from radio frequency electronic monitoring (EM) to a far more intrusive system of Global Positioning System (GPS) electronic monitoring for people on immigration bail [2], thereby monitoring the wearer’s location at all times. Second, since 31 August 2021 the home secretary has a duty to electronically monitor those on immigration bail who reside in England and Wales and who could be detained because they are subject to deportation proceedings or a Deportation Order (‘the duty’)[3]. From 31 August 2022, the duty has also applied to those residing in Scotland or Northern Ireland, although it is not expected to become available in Northern Ireland until November 2022[4]. As a result of these two changes, electronic monitoring is now a mandatory condition for many people on immigration bail in the UK, and the overwhelming majority of those subject to it will be fitted with a GPS tag [5].

This research is based on a review of medical-legal assessments written by clinicians concerning the impact of electronic monitoring, conducted by Medical Justice, and interviews with 19 of Bail for Immigration Detainees (BID)’s former clients who have been fitted with a GPS tag as part of their immigration bail conditions.

Through these two streams of research, this report seeks to provide a snapshot of the everyday experiences of wearing a GPS tag whilst on immigration bail.

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- 1.Home Office. (2022). Immigration bail: Version [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)
  - 2.Radio frequency tags are now only used in ‘some very limited cases’. Home Office. (2022). Immigration bail: Version 13.0, p.26. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)
  - 3.Although colloquially used to refer to any form of forced removal from a country, deportation in the context of UK immigration law refers to a particular subset of forced removals: specifically, those with a criminal conviction or those whose removal from the UK the Secretary of State has deemed conducive to the public good. According to Part 13 of the Immigration Rules, a deportation order ‘requires the subject to leave the United Kingdom and authorises his detention until he is removed’.
  - 4.Home Office. (2022). Immigration bail: Version 13.0, p.27 - 28. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)
  - 5.Official Statistics (20/10/2022) ‘Electronic Monitoring Statistics Publication, England and Wales: September 2022’. <https://www.gov.uk/government/statistics/electronic-monitoring-statistics-publication-september-2022/electronic-monitoring-statistics-publication-england-and-wales-september-2022>
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## Key Findings

- A frequent concern raised in the medical-legal reports and by interviewees was the impact of perceived or actual stigma associated with the wearing of an electronic monitoring device. This resulted in people isolating themselves; or prevented them from doing activities and sports which had previously been an important part of their life; and avoiding public places or social situations.
- Interviewees who were parents said that the tag had profoundly affected their relationship with their children. They found it hard to explain what it was to their children or attempted to hide the tag from them, and it prevented them from caring for their children in public places or doing activities with them such as swimming. As a result, they often felt less able to care for their children in the way that they wanted to.
- Both the medical-legal reports and the interviewees identified tagging as having a significantly detrimental effect on people's mental health. In particular, the indefinite nature of GPS tagging and the anxiety and stress caused by the impact it had on people's daily lives led to the onset or exacerbation of mental health issues.
- Clinicians raised concerns about the potential for GPS tagging to both exacerbate psychological illness and impede recovery. Electronic monitoring carries the potential for significant psychological harm, particularly in a group of people who are already often marginalised and where there is a higher incidence of traumatic experiences and risk factors for psychiatric illness.
- Practical problems with GPS tags, such as devices failing or chargers not working, were common and affected 15 of the 19 interviewees. When interviewees reported these issues, they were met with lengthy delays in getting it resolved by for example, receiving a replacement charger or getting a device fixed.
- The time it takes to charge GPS tags is significant (at least 2 hours) and often much longer than people were originally told. Interviewees describe building their days around this charging regimen, which led to further social isolation.
- Of the 19 interviewees, 16 said that the tag caused some kind of physical discomfort or pain, with varying levels of severity.
- Interviewees were not aware of how to make representations for their tag to be removed. A number of the people we spoke to were not aware that it was even possible to challenge being GPS tagged.
- The Home Office is able to access an individual's trail data in a wide range of circumstances, including if that individual makes an immigration application involving Article 8 ECHR. Despite this, only one interviewee was aware of this use of their data. It is unclear to us whether the data is held in a GDPR compliant way.



## Recommendations

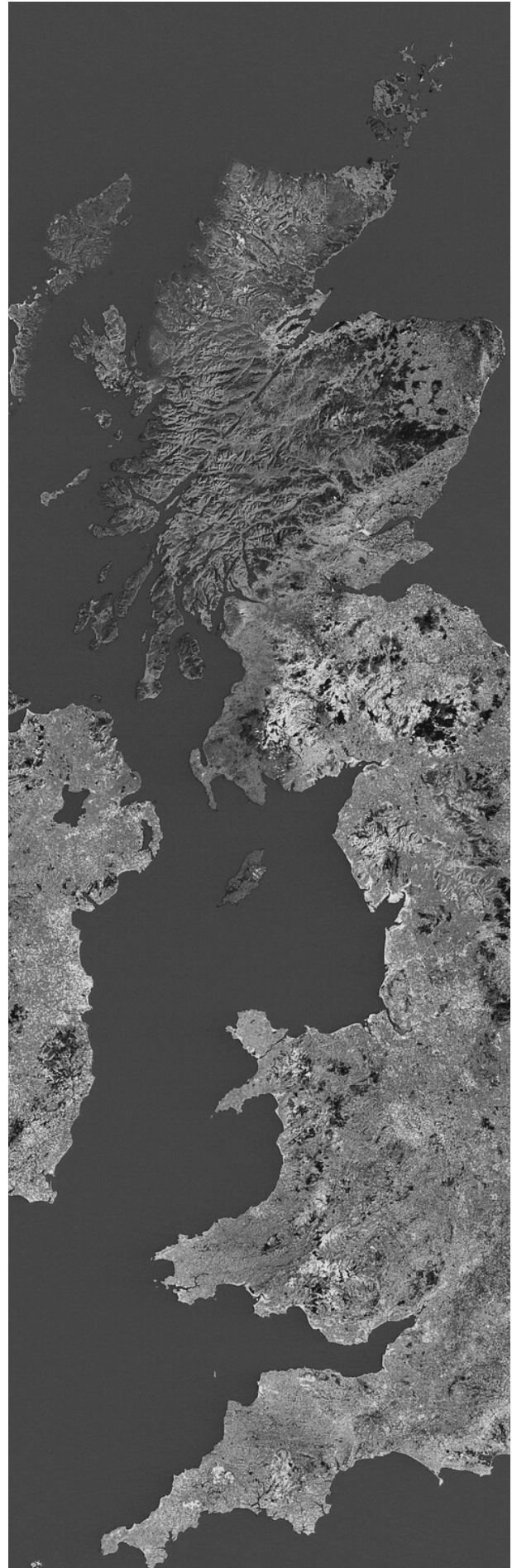
**We recommend an immediate end to the use of GPS tagging for those on immigration bail.** We question the need for this kind of intrusive and harmful monitoring in the context of immigration control.

The Home Office justifies the use of electronic monitoring on the grounds that it “encourage[s] compliance with immigration rules and protect[s] the public ”[6]. However, the rate of ‘absconding’ is exceptionally low – BID recently received FOI data confirming that only 2.7% of people released from detention absconded in 2021 and an even lower proportion (1.3%) absconded in the first six months of 2022. Equally, if the authorities have public protection concerns about particular individuals then that is a matter for the criminal justice system, as it would be for British nationals. There is no evidence that GPS monitoring satisfies its stated purpose, while we find abundant evidence of the harm it is causing.

To the extent that the current system remains in place, there must be a recognition by the Home Office that GPS electronic tagging conditions constitute a significant interference with people’s Article 8 rights under the European Convention on Human Rights and that, as such, **significant public interest factors are likely to be required to justify GPS tagging.**

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6. Tom Pursglove MP, Natinality and Borders Bill Committee debate on 4th November 2021- discussion of New Clause 53 – Electronic monitoring: conditions and use of data. [https://www.theyworkforyou.com/psc/2021-22/Natinality\\_and\\_Borders\\_Bill/16-0\\_2021-11-04a.704.2](https://www.theyworkforyou.com/psc/2021-22/Natinality_and_Borders_Bill/16-0_2021-11-04a.704.2)



## Recommendations

While tagging remains a bail condition, the following essential safeguards should be implemented as a matter of urgency:

1. A strict time limit to the use of GPS tagging should be introduced.
2. There should be an end to the use of mandatory electronic monitoring.
3. The First-tier Tribunal (Immigration and Asylum Chamber) should be allowed to decide whether to impose electronic monitoring as a bail condition.
4. Strict limits should be set on the processing of data obtained via GPS monitoring, so that such data can only be processed when it is for the purposes of, and to the minimum extent reasonably necessary for, determining whether an individual has breached a condition of bail.
5. Electronic monitoring should not be used when it would interfere with an individual's rehabilitation, nor be used when an individual has been identified as vulnerable, for example, those who satisfy the definition of an 'adult at risk' under the Home Office's policy.
6. The Home Office and any relevant contractors should ensure that anyone fitted with a GPS tag has had an opportunity to make representations as to why it should not be imposed on them as part of their bail conditions, and provide anyone fitted with a tag with clear information detailing how they may request its removal.
7. In instances where a GPS electronic monitoring condition is imposed, a system of regular reviews to assess whether electronic monitoring continues to be appropriate - should be implemented consistently in every case.
8. The support offered to those fitted with GPS tags should mirror the support provided in the criminal justice system, which has been shown to be a vitally important in reducing the stress and anxiety of electronic monitoring [7]. A 24/7 monitoring support centre should be available and offer assistance within reasonable timeframes.
9. In instances where a GPS electronic monitoring condition is imposed, a reporting condition (including telephone or digital reporting [8]) or a curfew should not also be imposed alongside it.

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7. Hucklesby, A., & Holdsworth, E. (2020). Electronic monitoring in probation practice. HM Inspectorate of Probation. <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/12/Academic-Insights-Hucklesby-and-Holdsworth-FINAL.pdf>

8. Home Office. (2022). Immigration bail: Version 13.0, p.21.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/102889/Immigration_bail_September_2022.pdf)

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# Foreward

by Dr Monish Bhatia

Over the past few years it has become increasingly clear that states have resorted to using various forms of surveillance technologies for migration/border control purposes. This surveillance has continued to expand at the external border – for instance, in Calais and the English Channel, surveillance by manned aircrafts, unmanned aerial vehicles and variety of drones, artificial intelligence powered satellite surveillance, and hi-tech CCTV cameras (to list a few) are now in operation. In July 2021, the British government signed a £55m deal with France to boost aerial surveillance and security infrastructure at ports. This builds on £44.5m towards CCTV and surveillance and detection technologies already committed through the 2018 Sandhurst Treaty. However, the increased investment and proliferation of surveillance has not stopped the perilous crossings and migrant deaths.

The British government has also deployed a number of surveillance measures inside the country and within its borders. In 2009/10, the Home Office made use of genomic surveillance for border control purposes. The aim of genetic and isotope testing was to ascertain ancestry and geographical origins of claimants through the use of a DNA database, and the intention was to include results of genetic ancestry in live asylum applications to detect so-called ‘bogus’ claims. Whilst the practice was terminated due to fierce criticism from the scientific community, it nevertheless shed light on the willingness to subject minority groups to experimental technologies (circumventing ethics, may I add) and the extent of border control’s entanglement with crime control technologies. In 2021, reports emerged of the Home Office subjecting asylum seekers to street-level surveillance by tracking the usage of ASPEN card spending with negative consequences for the claimants. Furthermore, since 2013 (through an amendment of the Police Act 1997), immigration officials have been granted power over property interference, including interference with equipment, which can involve planting listening devices, as well as hacking into phones and computers. The use of surveillance against migrants continues to evolve.

This report is the first of its kind highlighting the impacts of using ankle monitors or tracking devices with in-built Global Positioning System (also known as GPS) to surveil migrants. GPS monitors are designed to track migrant movements 24/7 and gather highly sensitive trail data. Electronic monitoring has for a long time been utilised within the criminal justice system, but as this report shows it is now being extended to immigration enforcement.



As far as we know, Britain is the only state in Europe to use the GPS technology on migrants. The tagging is not ‘intended’ to be punitive, and it is not the criminal courts that authorise it. Rather, it is an administrative measure enforced by the immigration system. Despite it not being a criminal sanction, migrants who are subjected to GPS monitors (as highlighted in this report) experience it as punishment and it triggers feelings of distress, powerlessness, shame, a sense of dehumanisation, exclusion and isolation, sense of threat, agitation, and anger. On the surface, the technology might come across as an ‘alternative to detention’, however, it is equally confining, and people feel deprived of their liberty. Many scholars and campaigners across the world have called it e-carceration, digital punishment, digital shackles, portable prisons, and prison outside of prison (to name a few terms).

Whether it is people seeking asylum who have made perilous journeys and arrived at our shores for safety and protection, or foreign nationals who have completed their sentences and released from the prison by the criminal justice system – people must not be subjected to perpetual, degrading, dehumanising, and coercive surveillance technologies disguised as a ‘non-punitive’ and ‘administrative measure’. The consequences for migrants’ subject to this technology are real and serious, impacting on their physical and mental health. It inflicts suffering. This report clearly demonstrates that GPS tagging is experienced as a form of psychological torture and exists as a constant reminder of potential deportation and/or separation from loved ones. As explained here, people develop insomnia, suicidal thoughts, anxiety, and exacerbation of mental distress.

Simply subjecting people to intrusive round-a-clock surveillance is inhumane. It is certainly not a sensible or a well thought through policy. This ground-breaking report clearly shows us the sheer harms of such technologies of control. Tagging needs to be completely abolished.

Dr Monish Bhatia  
Birkbeck, University of London

# Methodology

BID spoke to 19 of their former clients who they had helped to secure release from immigration detention and who had been issued with an electronic monitoring condition under the mandatory tagging regime introduced in September 2021. All of the interviewees were facing deportation from the UK and all had been fitted with a GPS tag.

The interviews were carried out from February to June 2022, with interviewees having been released during this period or beforehand. We asked participants about their experience of being tagged including:

- any practical issues and the impact it had on their health and wellbeing in daily life;
- communication with the authorities and what information they were given regarding the decision to tag them and how their data was used;
- and whether they had been afforded opportunities to challenge the tag.

The interviews were carried out in a semi-structured manner, with the interviewer asking a pre-determined set of questions, as well as prompting and asking for more detail where relevant.

All of the people interviewed gave consent to participate in the research project and to have interviews recorded and transcribed. We agreed with participants that names or details that could identify them would not be used.

Alongside these interviews, Medical Justice conducted a brief review of cases that they have worked on recently involving individuals who had been fitted with a GPS tag or for whom a GPS tag had been proposed. In the period December 2021 – August 2022, Medical Justice clinicians prepared 19 reports and letters relating to 18 clients that made assessed the potential medical and psychiatric impact of electronic monitoring. These documents were reviewed by a Medical Justice clinician in retrospect to gather information regarding clinicians' main concerns about the physical and psychological impact of electronic monitoring.

# Electronic monitoring – context & key developments

## Who is subject to electronic monitoring?

Anyone residing in the UK and who is subject to either deportation proceedings or a Deportation Order may be electronically monitored ('tagged') as part of their immigration bail conditions[9]. Someone could be subject to deportation proceedings or a Deportation Order for a number of reasons, but often it is because they are a Foreign National who has been sentenced to a period of imprisonment of at least 12 months, has committed an offence that has caused 'serious harm' or is deemed to be a persistent offender[10].

Two recent changes introduced by the Home Office have greatly increased both the number of people monitored and the intrusiveness of the monitoring technology. First, in November 2020 the Home Office has transitioned to using GPS tags, rather than radio frequency tags [11]. Radio frequency tags relied on a home monitoring unit which recorded the proximity of the tag to the unit and therefore were often imposed as a bail condition in combination with a curfew. GPS tags collect much more data about their wearer than radio frequency tags as they monitor the wearer's location at all times and enable the government to store the wearer's entire location history or 'trail data'. The Home Office say that the transition from radio frequency tags to GPS tags will allow individuals to be monitored without the need to impose a curfew as a bail condition [12], as well as facilitating the 'monitoring of those of no fixed abode' [13]. Although the vast majority of tagging devices are now GPS tags, Home Office guidance suggests that in some circumstances a GPS device may be used in conjunction with a home monitoring unit 'in order to support extending the life of the battery in the GPS device' [14].

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9. Home Office. (2022). Immigration bail: Version 13.0. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)

10. The Immigration Act 1971 and paragraphs A362 to 400 of the Immigration Rules outline the circumstances where a person who is not a British citizen may be deported.

11. Radio Frequency Tags are now used in 'some very limited cases' Home Office. (2022). Immigration bail: Version 13.0, p.26. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf) Version 11 (31 January 2022) of the Home Office's immigration bail guidance was the first time they suggested that radio frequency tags only be used in 'some very limited cases', so we may consider this the start of the GPS tagging policy. See: Home Office. (2022). Immigration bail: Version 11.0. <https://webarchive.nationalarchives.gov.uk/ukgwa/20220226115742/https://www.gov.uk/government/publications/offender-management>

12. Home Office guidance states that whilst 'a curfew is not mandatory' for those with a GPS tagging condition, 'curfew and other supplementary conditions should be considered'. Home Office. (2022). Immigration bail: Version 13.0, p.26. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)

13. Home Office. (2022, August 23). Equality impact assessment: Transition from radio frequency to GPS electronic monitoring devices. GOV.UK

14. Home Office. (2022). Immigration bail: Version 13.0, p.26. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)

Second, since 31 August 2021 the home secretary has a duty to electronically monitor those on immigration bail who reside in England and Wales and who could be detained because they are subject to deportation proceedings or a Deportation Order ('the duty') [15]. Specifically, the Immigration Act 2016 Schedule 10 Part 1 paragraphs 2(2) and 2(3) means that the home secretary has to electronically monitor all those subject to the duty who were released on immigration bail on or after 31 August 2021. The provision was brought into force through Statutory Instrument 939, which came into force on 31 August 2021 [16]. From 31 August 2022, the duty has also applied to those residing in Scotland or Northern Ireland, although it is not expected to become available in Northern Ireland until November 2022 [17]. Official government statistics state that at the last count (30th September 2022) there were 2,150 people on immigration bail who were GPS tagged by the Home Office, this makes up 41% of all individuals forced to wear a GPS tag [18].

Since 31 January 2022 people who were released on immigration bail prior to 31 August 2021 and who are subject to the duty can be subjected to a review of their bail conditions and issued with electronic monitoring devices [19]. However, information obtained by Bail for Immigration Detainees under the Freedom of Information Act shows that by 20 March 2022 no individuals who were already on immigration bail prior to 31 August 2022 had yet been GPS tagged following such a review [20].

There are only two specific exemptions to the new electronic monitoring duty: people who are under 18, and mentally unwell people released on immigration bail following mental health detention. [21]. There are two further broad exemptions: tagging should not be imposed if the Secretary of State decides that it would be impractical, or would breach the person's rights under the Human Rights Act 1998 and European Convention on Human Rights (ECHR). Only decision-makers at assistant director level and above can apply these exemptions. Furthermore, the First-tier Tribunal, which hears immigration bail applications 'must impose an EM condition on a person subject to the duty unless the Secretary of State has stated that it should not be imposed'

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15. Although colloquially used to refer to any form of forced removal from a country, deportation in the context of UK immigration law refers to a particular subset of forced removals: specifically, those with a criminal conviction or those whose removal from the UK the Secretary of State has deemed conducive to the public good. According to Part 13 of the Immigration Rules, a deportation order 'requires the subject to leave the United Kingdom and authorises his detention until he is removed'.

16. <https://www.legislation.gov.uk/uksi/2021/939/made>

17. Home Office. (2022). Immigration bail: Version 13.0, p.27 - 28. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)

18. Official Statistics (20/10/2022) 'Electronic Monitoring Statistics Publication, England and Wales: September 2022'. <https://www.gov.uk/government/statistics/electronic-monitoring-statistics-publication-september-2022/electronic-monitoring-statistics-publication-england-and-wales-september-2022>

19. Home Office. (2022). Immigration bail: Version 13.0. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)

20. Bail for Immigration Detainees. FOI response received Wednesday 4 May 2022, reference number 68882.

21. Home Office. (2022). Immigration bail: Version 13.0, p.28. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)

22. Home Office. (2022). Immigration bail: Version 13.0, p.36. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)



As a result of these two changes, electronic monitoring is now a mandatory condition for many people on immigration bail in the UK and the overwhelming majority of those subject to this electronic monitoring will be fitted with a GPS tag. The focus of this report is on GPS tagging.

The Immigration Act 2016 Schedule 10 Part 1 paragraph 2(1)(e) maintains electronic monitoring as a possible immigration bail condition even for those to whom the duty does not apply. Therefore, an additional category of people may also be subject to electronic tagging where the home secretary is not under a duty to impose an electronic monitoring bail condition, although the scale of this practice is unclear. Home Office guidance states that although it is ‘not usual practice’ to electronically monitor individuals to whom the duty does not apply, there ‘may be occasions where the individual is considered to be of such risk of absconding and to pose such risk of harm that an electronic monitoring condition would be necessary and proportionate [23].

Furthermore, from 15 June 2022 the Home Office has been undertaking a 12 month pilot where some asylum claimants arriving in the UK through irregular routes (in the absence of safe, legal routes) will be considered for electronic monitoring [24]. This pilot will involve GPS tagging 600 people who fall under one or more of the following categories: potentially inadmissible (including those who may be transferred to Rwanda under the new partnership agreement), those suitable for consideration under the Detained Asylum Casework process and failed asylum seekers [25].

### **How Many People are Being Tagged?**

As of 18 March 2022, 1,622 Foreign National Offenders on immigration bail were being actively monitored by electronic monitoring, according to Home Office data obtained by the Independent Chief Inspector of Borders and Immigration [26]. This is 15% of the whole population of Foreign National Offenders living in the community who are subject to deportation action as of 24 February 2022 (11,236 people) [27].

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22. Home Office. (2022). Immigration bail: Version 13.0, p.36. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)

23. Home Office. (2022). Immigration bail: Version 13.0, p.38. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)

24. Home Office. (2022). Immigration bail conditions: Electronic monitoring (EM) expansion pilot. Version 1.0. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1082956/Immigration\\_bail\\_conditions\\_Electronic\\_Monitoring\\_EM\\_Expansion\\_pilot.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1082956/Immigration_bail_conditions_Electronic_Monitoring_EM_Expansion_pilot.pdf)

25. Enforcement and Criminality Policy Unit. (2022, September 1). Equality impact assessment: GPS electronic monitoring expansion pilot. GOV.UK. <https://www.gov.uk/government/publications/offender-management/equality-impact-assessment-gps-electronic-monitoring-expansion-pilot>

26. Neal, D. (2022). An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders. Independent Chief Inspector of Borders and Immigration. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1088880/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088880/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)

27. Neal, D. (2022). An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders. Independent Chief Inspector of Borders and Immigration. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1088880/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088880/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)

The majority (98%) of Foreign National Offenders subject to electronic monitoring are males and the most common nationality of Foreign National Offenders subject to electronic monitoring is Albanian (28%) [28].

According to Ministry of Justice data relating to the total number of individuals subjected to electronic monitoring in England and Wales, as at 31 March 2022, 1,440 individuals were being actively monitored with an electronic monitoring device under the ‘immigration order type’, which relates to immigration bail cases [29]. of people with a GPS tag– as at 31 March 2022, those on immigration bail accounted for 37% of all individuals with a GPS tag [30]. Between 31 March 2021 and 31 March 2022 the total number of individuals actively monitored with a GPS device increased by 138%, which the Ministry of Justice suggests is ‘the result of expanding the use of electronic monitoring to new offender cohorts, particularly immigration bail’ [31].

## How does electronic monitoring work?

When a person is subjected to electronic monitoring they are issued with a device (a ‘tag’) that monitors their movements. To date these devices have been fitted devices in the form of radio frequency ankle tags (now only used rarely) or GPS fitted ankle tags (see figure 1). In the future non-fitted devices may be issued, such as smartwatches fitted with facial-recognition technology [32], but their introduction has been delayed. The Independent Chief Inspector of Borders and Immigration was informed that non-fitted devices ‘would not be available until autumn 2022 “at the earliest” [33].

An electronic monitoring device is issued when an individual is released from detention in either a prison or an Immigration Removal Centre. In ‘some limited cases’ it may instead be issued after release at their place of residence [34]. If an individual is subject to electronic monitoring whilst they are already on immigration bail, a device may be issued at a reporting centre or their place of residence [35].

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28. Neal, D. (2022). An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders. Independent Chief Inspector of Borders and Immigration.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1088880/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088880/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)

29. Ministry of Justice. (2022, May 26). Electronic Monitoring Publication, England and Wales: 01 April 2021 to 31 March 2022. GOV.UK. <https://www.gov.uk/government/statistics/electronic-monitoring-publication-update-to-march-2022/electronic-monitoring-publication-england-and-wales-01-april-2021-to-31-march-2022>

30. Ministry of Justice. (2022, May 26). Electronic Monitoring Publication, England and Wales: 01 April 2021 to 31 March 2022. GOV.UK. <https://www.gov.uk/government/statistics/electronic-monitoring-publication-update-to-march-2022/electronic-monitoring-publication-england-and-wales-01-april-2021-to-31-march-2022>

31. Ministry of Justice. (2022, May 26). Electronic Monitoring Publication, England and Wales: 01 April 2021 to 31 March 2022. GOV.UK. <https://www.gov.uk/government/statistics/electronic-monitoring-publication-update-to-march-2022/electronic-monitoring-publication-england-and-wales-01-april-2021-to-31-march-2022>

32. Home Office. (2021). GPS Electronic Monitoring Full DPIA. [https://privacyinternational.org/sites/default/files/2022-08/Exhibit\\_2\\_-\\_DPIA\\_2021.pdf](https://privacyinternational.org/sites/default/files/2022-08/Exhibit_2_-_DPIA_2021.pdf)

33. Neal, D. (2022). An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders. Independent Chief Inspector of Borders and Immigration.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1088880/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088880/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)

34. Home Office. (2022). Immigration bail: Version 13.0, p.27.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)

35. Home Office. (2022). Immigration bail: Version 13.0, p.27.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)



Figure 1: GPS electronic monitoring ankle tag. Source: Neal, D. (2022). *An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders*, p.6). Independent Chief Inspector of Borders and Immigration.

The Ministry of Justice holds the contract for electronic monitoring services across government departments. Their main electronic monitoring contractor Capita runs Electronic Monitoring Services (EMS), with a further contractor (G4S) supplying the physical equipment they use [36]. Location data is communicated using Telefonica's mobile network to Airbus, who process and verify the data and present the information to Capita EMS [37]. The cost of GPS tagging has been estimated at £55 per wearer per day [38]. Concerns have been raised about poor battery life of GPS tags, devices failing to charge properly and individuals having to spend several hours a day waiting for it to charge [39].

36. Neal, D. (2022). *An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders*. Independent Chief Inspector of Borders and Immigration, p. 6. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1088880/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088880/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)

37. Privacy International. (2022) SUBMISSION TO THE INFORMATION COMMISSIONER <https://privacyinternational.org/sites/default/files/2022-08/2022.08.17%20-%20Privacy%20International%20complaint%20against%20Home%20Office%20use%20of%20GPS%20Ankle%20Tags%20%5Bpublic%20version%5D.pdf>

38. Kerr, J., Roberts, E., Davies, M., & Pullerits, M. (2019). *Process evaluation of the Global Positioning System (GPS) Electronic Monitoring Pilot: Qualitative findings*. Ministry of Justice. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779199/gps-location-monitoring-pilot-process-evaluation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779199/gps-location-monitoring-pilot-process-evaluation.pdf)

39. Privacy International. (2022). *Complaint to the Forensic Science Regulator*. <https://privacyinternational.org/sites/default/files/2022-08/2022.08.17%20-%20Privacy%20International%20Complaint%20to%20FSR%20re%20Home%20Office%20use%20of%20GPS%20Ankle%20Tags.pdf>



## What types of data do GPS tags collect?

GPS tags record the location of the wearer at all times using satellite and mobile technology [40]. They are ‘usually accurate to around ten meters’, but are affected by surroundings particularly in built-up areas [41]. This generates ‘trail monitoring data’[42], [1] which Privacy International suggests is ‘particularly (1) voluminous, (2) sensitive, (3) granular and (4) open to misinterpretation’ [43]. GPS tags can collect location data at different intervals and the interval set, for example every 15 minutes or every hour, impacts the amount and granularity of location data that is collected about a wearer [44].

The GPS trail data is stored on Capita EMS’ internal servers [45]. It can then be accessed by authorised Home Office staff for wide-ranging purposes, including in the event of immigration bail condition breach or to ‘support or rebut’ Article 8 claims made by someone who is tagged [46]. In certain circumstances, the Ministry of Justice, Immigration Enforcement and the police can also access the data [47].

The volume of data collected, and the purposes for which the Home Office can use it, goes beyond the purpose of ensuring compliance with immigration bail. Privacy International have suggested that the volume of data generated by GPS tagging is ‘enormous’ [48]. Not only this, but a GPS tag could record intimate and granular details about the daily life of the wearer. The data collected may contain ‘special categories of data as defined in Article 9(1) UK GDPR’ and allow the protected characteristics of a GPS tag wearer to be revealed, for example by recording their presence at a specific time at a shop, community centre, rally, place of worship or specialised surgery [49]. As any conclusions based on trail data are subject to interpretation, they may also be inaccurate and allow false assumptions about a wearer’s life to be made [50].

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41. Privacy International. (2022, February 9). Electronic monitoring using GPS tags: A tech primer. Privacy International. <http://privacyinternational.org/explainer/4796/electronic-monitoring-using-gps-tags-tech-primer>

42. Home Office. (2021). GPS Electronic Monitoring Full DPIA, p.8. [https://privacyinternational.org/sites/default/files/2022-08/Exhibit 2 - DPIA 2021.pdf](https://privacyinternational.org/sites/default/files/2022-08/Exhibit%20-%20DPIA%202021.pdf)

43. Privacy International. (2022). Submission to the Information Commissioner’s Office, p.1. <https://privacyinternational.org/sites/default/files/2022-08/2022.08.17%20-%20Privacy%20International%20complaint%20against%20Home%20Office%20use%20of%20GPS%20Ankle%20Tags%20%5Bpublic%20version%5D.pdf>

44. Privacy International. (2022). Submission to the Information Commissioner’s Office. <https://privacyinternational.org/sites/default/files/2022-08/2022.08.17%20-%20Privacy%20International%20complaint%20against%20Home%20Office%20use%20of%20GPS%20Ankle%20Tags%20%5Bpublic%20version%5D.pdf>

45. Home Office. (2021). GPS Electronic Monitoring Full DPIA. [https://privacyinternational.org/sites/default/files/2022-08/Exhibit 2 - DPIA 2021.pdf](https://privacyinternational.org/sites/default/files/2022-08/Exhibit%20-%20DPIA%202021.pdf)

46. Home Office. (2021). GPS Electronic Monitoring Full DPIA, p.16. [https://privacyinternational.org/sites/default/files/2022-08/Exhibit 2 - DPIA 2021.pdf](https://privacyinternational.org/sites/default/files/2022-08/Exhibit%20-%20DPIA%202021.pdf)

47. Home Office. (2021). GPS Electronic Monitoring Full DPIA. [https://privacyinternational.org/sites/default/files/2022-08/Exhibit 2 - DPIA 2021.pdf](https://privacyinternational.org/sites/default/files/2022-08/Exhibit%20-%20DPIA%202021.pdf)

48. Privacy International. (2022). Submission to the Information Commissioner’s Office, p.9. <https://privacyinternational.org/sites/default/files/2022-08/2022.08.17%20-%20Privacy%20International%20complaint%20against%20Home%20Office%20use%20of%20GPS%20Ankle%20Tags%20%5Bpublic%20version%5D.pdf>

49. Privacy International. (2022). Submission to the Information Commissioner’s Office, p.12. <https://privacyinternational.org/sites/default/files/2022-08/2022.08.17%20-%20Privacy%20International%20complaint%20against%20Home%20Office%20use%20of%20GPS%20Ankle%20Tags%20%5Bpublic%20version%5D.pdf>

50. Privacy International. (2022). Submission to the Information Commissioner’s Office. <https://privacyinternational.org/sites/default/files/2022-08/2022.08.17%20-%20Privacy%20International%20complaint%20against%20Home%20Office%20use%20of%20GPS%20Ankle%20Tags%20%5Bpublic%20version%5D.pdf>



The ICIBI has raised a number of concerns about the GDPR compliance in relation to the data collected, including that as the data is held internally on Capita's systems, there is no way of assessing if it is being held in a GDPR compliant way:

*'The Home Office did not have access to these systems, which was a concern as it had limited oversight of how this data was managed, protected and shared'[1], and 'staff rely on Excel spreadsheets they have created themselves and information from Home Office IT systems that they told inspectors they did not trust' [51].*

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52. Neal, D. (2022). An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders. Independent Chief Inspector of Borders and Immigration, 2. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1088880/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088880/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)

# Electronic monitoring – what do we know about its impact so far?

## Criminal context

Electronic monitoring is a practice drawn from the criminal justice system to record the location of individuals [52]. In a criminal context, GPS tagging can only be used in very specific, highly regulated circumstances and there are safeguards in place with regard to the storing and sharing of data generated [53]. Those tagged in this context also have 24/7 access to a monitoring centre, which can offer support for issues related to electronic monitoring as well as signposting to other services – this can help address the ‘potential stress and anxiety’ electronic monitoring may create [54]. Studies about GPS tagging conducted in the criminal justice system suggest that GPS tagging can make those wearing them feel ashamed and unable to carry out normal daily activities, particularly activities involving sport where a tag may be more visible [55]. The ‘large size and weight of the GPS tag’ has also been shown to cause some wearers to experience sleeping difficulties, exacerbating feelings of stress and anxiety [56].

## Immigration context

Electronic monitoring has been transferred from this criminal context to monitor individuals on immigration bail. In doing so, this practice forms part of a wider trend towards the ‘criminalization of immigration law, or “cimmigration law”’ [57]. Crucially, it has been transferred without some of the key safeguards present in the criminal context: for example, GPS tagging is not allowed to be imposed as part of criminal bail conditions and criminal sentences involving electronic monitoring are determinate [58]. As Stephen Legomsky has argued, ‘immigration law has been absorbing the theories, methods, perceptions, and priorities associated with criminal enforcement while explicitly rejecting the procedural ingredients of criminal adjudication’ [59].

In the immigration context, there are significantly fewer studies exploring the implementation and impacts of electronic monitoring. Those that do exist are critical of the use of a criminal justice practice in the immigration context. Robert Koulish has referred to electronic monitoring as ‘electronic detention’ because of the way it extends the surveillance and curtailed freedoms of detention into the community [60].

52. Bosworth, M. (2018). Alternatives to Detention: A Literature Review, in Shaw, S. (2018). Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons: A follow-up report to the Home Office. Home Office. <https://nls.ldls.org.uk/welcome.html?ark:/81055/vdc/100063499942.0x000001>

53. HM Prison & Probation Service. (2020). Code of Practice: Electronic Monitoring Data. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/926813/em-revised-code-practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926813/em-revised-code-practice.pdf)

54. Hucklesby, A., & Holdsworth, E. (2020). Electronic monitoring in probation practice. HM Inspectorate of Probation. <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/12/Academic-Insights-Hucklesby-and-Holdsworth-FINAL.pdf>

55. Kerr, J., Roberts, E., Davies, M., & Pullerits, M. (2019). Process evaluation of the Global Positioning System (GPS) Electronic Monitoring Pilot: Qualitative findings. Ministry of Justice.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779199/gps-location-monitoring-pilot-process-evaluation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779199/gps-location-monitoring-pilot-process-evaluation.pdf); Nellis, M. (2009). Surveillance and Confinement: Explaining and Understanding The Experience of Electronically Monitored Curfews. *European Journal of Probation*, 1(1), 41–65

56. Kerr, J., Roberts, E., Davies, M., & Pullerits, M. (2019). Process evaluation of the Global Positioning System (GPS) Electronic Monitoring Pilot: Qualitative findings. Ministry of Justice. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779199/gps-location-monitoring-pilot-process-evaluation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779199/gps-location-monitoring-pilot-process-evaluation.pdf)

57. Stumpf, J. (2006). The crimmigration crisis: Immigrants, crime, and sovereign power. *American University Law Review*, 56(2). <https://doi.org/10.1515/9780804785419-004>

58. Bail for Immigration Detainees (2021) BID’s Briefing on Electronic Monitoring. Available at: <https://www.biduk.org/articles/805-bid-s-briefing-on-electronic-monitoring>

59. Legomsky, S. H. (2007). The New Path of Immigration Law: Asymmetric Incorporation of Criminal Justice Norms. *Washington & Lee Law Review*, 64(2), 63.

Similarly, the American immigration Lawyers Association has suggested that electronic monitoring amounts to ‘an alternative form of custody rather than an alternative to detention’, because of the ways that electronic monitoring can impinge on an individual’s daily life [61].

Beyond the lack of some of the safeguards which are in place in the criminal context, electronic monitoring in the immigration context can have a greater impact on the wearer’s levels of stress and anxiety because of the specific vulnerabilities and experiences of migrants. For example, the stress caused by constant GPS monitoring, and the visible reminder of this surveillance, can be particularly acute for migrants if they have had negative experiences with state actors in their country of origin or in the UK [62].

The impact on those being electronically monitored can be severe. Monish Bhatia’s study draws on data from an 18-month ethnographic research project of the impact of electronic monitoring on people seeking asylum and offers a rare insight into the lived experiences of those subject to electronic monitoring[63]. The study documents the severe psychological harm of indefinite electronic monitoring and the impact it can have on sleeping patterns and pre-existing conditions such as Post-Traumatic Stress Disorder. Many people in the study describe the stigmatising impacts of electronic monitoring, with one individual describing the constant monitoring as ‘suffocating’[64]. Bhatia also highlights how ‘being tagged does not help individuals to resolve their cases or navigate the legal system – on the contrary, it makes it more difficult to participate in community-based assistance[65].’ Bhatia finds that EM is increasingly termed as ‘e-carceration’ and it shifts the site of confinement to homes.’

The Home Office has not demonstrated the necessity of this harmful and draconian practice in the immigration system. Electronic monitoring is putatively used to ‘encourage compliance with immigration rules and protect the public. [66]’ However, the rate of ‘absconding’ is exceptionally low – BID recently received FOI data confirming that in 2021, 2.7% of people released from detention absconded, and in the first six months of 2022, the figure was 1.3%. There is therefore no evidence that GPS electronic monitoring fulfils its stated purpose, never mind justifying the severe mental and physical harm and breaches of fundamental human rights that it causes.

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60. Koulis, R. (2015). Spiderman’s Web and the Governmentality of Electronic Immigrant Detention. *Law, Culture and the Humanities*, 11(1), 83–108. <https://doi.org/10.1177/1743872111433376>

61. American Immigration Lawyers Association. (2008). AILA - AILA Position Paper: Alternatives to Detention, p.1. American Immigration Lawyers Association.

<https://www.aila.org/infonet/aila-position-paper-alternatives-to-detention>

62. Koulis, R. (2015). Spiderman’s Web and the Governmentality of Electronic Immigrant Detention. *Law, Culture and the Humanities*, 11(1), 83–108. <https://doi.org/10.1177/1743872111433376>

63. Bhatia, M. (2021). Racial surveillance and the mental health impacts of electronic monitoring on migrants. *Race & Class*, 62(3), 18–36. <https://doi.org/10.1177/0306396820963485>

64. Bhatia, M. (2021). Racial surveillance and the mental health impacts of electronic monitoring on migrants, p.30. *Race & Class*, 62(3), 18–36. <https://doi.org/10.1177/0306396820963485>

65. Bhatia, M. (2021). Racial surveillance and the mental health impacts of electronic monitoring on migrants, p.22. *Race & Class*, 62(3), 18–36. <https://doi.org/10.1177/0306396820963485>

66. Tom Pursglove MP, Nationality and Borders Bill Committee debate on 4th November 2021- discussion of New Clause 53 – Electronic monitoring: conditions and use of data.

[https://www.theyworkforyou.com/ptb/2021-22/Nationality\\_and\\_Borders\\_Bill/16-0\\_2021-11-04a.704.2](https://www.theyworkforyou.com/ptb/2021-22/Nationality_and_Borders_Bill/16-0_2021-11-04a.704.2)

# GPS tagging: a clinical perspective

## Introduction

This section contains a brief review by Medical Justice of cases that they have worked on recently involving individuals who had been fitted with a GPS tag or for whom a GPS tag had been proposed. It aims to provide a summary of concerns that have been raised by clinicians about the health impact of electronic monitoring on people released from immigration detention.

Medical Justice is a charity enabling independent medical-legal assessments by volunteer clinicians for clients in immigration removal centres in the UK. In recent months, clinicians have been increasingly instructed to provide an assessment of the anticipated impact on the health of the client being released with an electronic monitoring device. In all cases the anticipated device was a GPS ankle-tag.

## Results

In the period December 2021 – August 2022, Medical Justice clinicians prepared 19 reports and letters relating to 18 clients that assessed the potential medical and psychiatric impact of electronic monitoring. Clinicians included four general practitioners, two consultant psychiatrists, two senior trainee psychiatrists and one rehabilitation medicine consultant. 17 reports had been completed and were available for review: the results below discuss these 17 cases. Three clients had been fitted with an electronic monitoring device at the time of the assessment and one client had previous experience of being subjected to electronic monitoring with a radio-frequency device. All clients were aware that they were being considered for electronic monitoring and were given the opportunity to express their own thoughts regarding this.

15 clients had a diagnosis of psychiatric illness and the remaining two clients had symptoms of psychiatric illness requiring further assessment. The majority of the clients had symptoms of more than one psychiatric disorder. Three clients had additional physical conditions affecting the musculoskeletal system or skin that were of relevance when considering electronic monitoring. One client had suspected cognitive impairment and a possible learning disability.

Diagnoses	No. of clients
Depression	12
Depression symptoms	1
PTSD (Post Traumatic Stress Disorder)	6
PTSD symptoms	5
Complex PTSD	3
Complex PTSD symptoms	2
Bipolar Disorder	1
Psychotic symptoms	7
Panic disorder	1
Risk of self-harm or suicide	9
Physical condition	3

*Table 1: Summary of psychiatric diagnoses of clients assessed*



For the purposes of this review the authors have focused on the anticipated impact of electronic monitoring on physical or psychological wellbeing. Concerns relating to the client's ability to comply with charging, maintenance and other activities related to the wearing of the electronic monitoring.

device are not covered here, although it is to be noted that some clinicians did highlight issues potentially affecting the client's ability to comply with instructions in the presence of physical disability, psychotic features or cognitive impairment.

In all cases concerns were raised about the potential for harm resulting from electronic monitoring, with common themes being identified. All clinicians considered actual or potential harm related to electronic monitoring. In 13 cases where the client had not yet been fitted with an electronic monitoring device nine clinicians gave the opinion that electronic monitoring would or was likely to cause harm to the client's mental health, three clinicians considered that electronic monitoring had the potential to cause harm and one clinician concluded that the impact was 'challenging to predict' and recommended that the client's mental health would need to be reviewed if a decision was made to fit an electronic monitoring device. In the cases of the three clients who had already been fitted with an electronic monitoring device, clinicians gave the opinion that the impact of being subjected to electronic monitoring had been detrimental to the client's mental health.

## Common Themes

- **Stigma** - A frequent concern raised in the majority of reports was the potential impact of perceived or actual stigma associated with the wearing of an electronic monitoring device. Clinicians cited concern that perceived or actual stigma would exacerbate feelings of isolation and negative self-perception and that this would be detrimental to mental health through the exacerbation of negative feelings. Clinicians were concerned that stigma would also have the potential to worsen poor mental health and impede recovery, by increasing alienation, reducing social contact with others and reducing participation in activities that are known to be beneficial in the treatment of mental illness, such as sport, community and social engagement. It was noted that this impact may be magnified in already marginalised groups. Concern was raised that feelings of stigma may also affect clients' confidence and ability to seek out health services.
- **Negative cognitions** – the majority of reports gave reference to specific negative cognitions that were reported by clients or that the clinician was concerned may arise from being subjected to electronic monitoring. These included feelings of distress, powerlessness, shame, experiences of punishment, sense of dehumanisation, exclusion and isolation, sense of threat, agitation and anger. It was widely felt that these negative cognitions were likely to exacerbate already poor mental health.
- **Impede recovery** – concerns were raised in many reports that there was the potential for the impact of electronic monitoring to impede psychiatric recovery. Mechanisms cited were the exacerbation of negative cognitions, stigma (as discussed above) and isolation.

- In several clients with paranoia or delusional symptoms concerns were raised about the potential for electronic monitoring to exacerbate these symptoms, affecting therapeutic relationships. The ability to trust others was noted as potentially negatively affected by electronic monitoring and it was raised that this may in turn impact the client's ability to access therapy. Two of the three clients who were already subjected to electronic monitoring reported being woken by the tag due to the device vibrating. This triggered fear and anxiety in both clients whose sleep was already poor due to PTSD, resulting in direct negative effects upon their mental health.
- **Re-traumatisation** – In six clients with a history of trauma and a diagnosis or symptoms of PTSD, clinicians raised concerns about the potential for electronic monitoring to exacerbate mental illness by triggering reminders of their trauma, for example where clients had a history of being restrained, or where they feared return to a situation where they may be at risk of further harm, or had experiences of powerlessness. In addition to exacerbating symptoms, it was noted that this was likely to reduce the effectiveness of any PTSD treatment.
- **Impact on physical health conditions** – in the three clients with musculoskeletal or skin conditions concerns were raised in all cases that electronic monitoring may cause physical harm. Restrictions in movement due to the need to charge the device exacerbating pain and stiffness, potential damage to underlying skin, and exacerbation of pain were all noted as a potential consequence of electronic monitoring. In addition, it was noted that the presence of an electronic monitoring device may affect the ability of health professionals to examine, investigate and treat the underlying condition.
- **Restrictive nature of electronic monitoring** – comment was made about conditions associated with electronic monitoring. In one case it was noted that restrictions imposed by the need to regularly charge the device may be harmful to mental health by reducing time available for supportive contact with others and other beneficial activities.

## Discussion

The psychological impact of electronic monitoring in the immigration context is not well understood. We can however draw upon knowledge from the use of tagging in forensic psychiatry and other contexts. Concerns regarding the ethical implications of electronic monitoring including stigma have been cited [67]. In the forensic psychiatry context it is used to manage risk and facilitate release into the community and recovery and should be used within an individualised risk management plan and within a wider therapeutic context [68]. In contrast, the use of electronic monitoring in the asylum context serves an administrative purpose, makes little consideration of the individual and has no benefit to the person being subjected to electronic monitoring.

The use of electronic monitoring in dementia as a strategy to manage wandering has also been greeted with concerns regarding stigma, deprivation of liberty, dignity and the association with the criminal justice system and it is recommended that where it is being considered these concerns should be carefully weighed against the best interests of the individual [69].

Literature specifically considering the impact of electronic monitoring on refugees and asylum seekers is sparse and the perspective of the people being subjected to EM has rarely been documented. As an alternative to immigration detention, it is considered a highly restrictive and invasive option and concerns have been raised about the criminalisation of migration, perceived affront to dignity, restrictions on movement due to the need to charge the device, and the impact of stigma and discrimination [70].

In our study, clinicians raised concerns about the potential for electronic monitoring to both exacerbate psychological illness and impede recovery and across the reports common themes can be identified. In particular it needs to be considered that asylum seekers and refugees are more likely to have risk factors for poor mental health, including a history of traumatic life events, separation from friends and family and current life stressors such as isolation or unemployment and this may mean they are more vulnerable to harm from electronic monitoring. In addition, factors in the post migratory environment have the potential to contribute either negatively or positively to mental health outcomes. Factors reducing the ability to form supportive social networks have been associated with poorer mental health outcomes and therefore concerns around stigma relevant to electronic monitoring are of importance in this group.

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67. Tully, J., Hearn, D., & Fahy, T. (2014). Can electronic monitoring (GPS 'tracking') enhance risk management in psychiatry? *British Journal of Psychiatry*, 205(2), 83-85. doi:10.1192/bjp.bp.113.138636; The Royal Australian and New Zealand College of Psychiatrists (2018) Electronic monitoring of people utilising forensic mental health services. Online at <https://www.ranzcp.org/>

68. The Royal Australian and New Zealand College of Psychiatrists (2018) Electronic monitoring of people utilising forensic mental health services. Online at <https://www.ranzcp.org/>

69. Landau, R. & Werner, S. (2012). Ethical aspects of using GPS for tracking people with dementia: Recommendations for practice. *International psychogeriatrics* / IPA. 24. 358-66. 10.1017/S1041610211001888; O'Neill, D., 2013. Should patients with dementia who wander be electronically tagged? No. *BMJ : British Medical Journal* (Online), 346.

70. Bosworth, M. (2018) *Alternatives to Detention: A Literature Review*, London: HMSO Progress in Implementing the Report on the Welfare in Detention of Vulnerable Persons: A Follow-Up Report to the Home Office by Stephen Shaw. Cm 9661. 213; Marouf, F. (2017). Alternatives to Immigration Detention, *Cardozo Law Review*, 38, 2141.

Many of the clients in our sample had PTSD. Reminders of past trauma and a lack of subjective sense of safety are likely to exacerbate symptoms and hinder recovery [71] and it is therefore reasonable to consider that electronic monitoring is likely to be harmful to psychological health in people with PTSD.

This review of cases adds to the current available literature, offering a clinician's perspective on the impact of electronic monitoring on individual cases. This is an area that has not been widely studied. Limitations to this study include the small sample size, potential selection bias as clients who are particularly vulnerable to being impacted negatively by electronic monitoring may be more likely to request a medico-legal assessment relating to this, and the fact that clinicians were asked in many cases to make predictive comments about the possible impact of electronic monitoring rather than an assessment of harm that had already occurred. The structure of the Medico-Legal report required that some interpretation of the clinician's opinion was required by the authors, and this may inadvertently misconstrue the report. However, clinician's concerns were broadly in agreement with what is already known from the relevant literature.

## Conclusion

Electronic monitoring carries the potential for significant psychological harm, particularly in a group of people who are already often marginalised and where there is a higher incidence of traumatic experiences and risks for psychiatric illness. Although further information will help to inform the debate, the authors consider it unethical to wait for further evidence of harm and consider that use of electronic monitoring in this particularly vulnerable group of people cannot be justified given the risk of significant harm.

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71. The Royal College of Psychiatrists (April 2021) Position statement: Detention of people with mental disorders in immigration removal centres (IRCs) PS02/21.



# Experiences of GPS electronic monitoring

Many of the issues raised by clinicians in their medical-legal reports and letters were also found in the experiences of our 19 interviewees who were being electronically monitored with a GPS tag, in particular the social stigma, Negative cognitions, Impact on physical health conditions and practical considerations

## Social stigma and impact on daily life

First, the social stigma that is associated with electronic monitoring pervaded every aspect of participants' daily life.' The majority of participants explained that the social stigma associated with wearing a tag in public created an inability to go about certain daily activities without shame or apprehension. Consequently, some participants chose to avoid activities and socialising wherever possible, substantially altering their daily routine and leading to further isolation from communities and family, with a detrimental impact on their wellbeing.

Outings in public spaces became a source of stress where many participants described how the tag had further isolated them from the prospect of joining any community activities such as sport or learning English. Others described their inability to exercise, pray or join social events, instead choosing to stay at home, and isolating themselves due to the fear of judgement that may come with their tag being noticed.

*'I'm looking over my shoulder every time, everywhere I go. It's made me pull out of a lot of things. I can't hang out with my friends because I know I've got a tag. I know somehow somewhere, it might show, so I'm isolating myself because of that. Because I know the tag might show and a lot of people will start asking...So you know, people have weddings and...I'm like nah, I just pull out. Of course, people get to know, but I don't want to put it in their faces and tell them nah I'm on a tag.'* (KH)

It was notable how many participants spoke of swimming as a huge source of stress, becoming almost impossible without experiencing hostility or unwanted questioning from the public. Additionally, many participants expressed the difficulties electronic monitoring brings with taking their children out for activities in public spaces due to the judgement directed at them or their children.

*'The worst thing is in the park. You feel like you're different. People think, "Why have you got the tag?" People think, "I don't want to have a conversation with you." Sometimes I do [hide it]. 100% I wear long trousers. Like today in the heat it's hard. I'm not gonna lie, I love to swim. I'm never going to go swimming or go to the sea. I love it, the sea. I'm not a swimming pool person, I love the sea. But how will this happen. If I go I'm not going to swim. I will care. I'm worried if people will ask me something. You can't swim, even kids look around say, "Who is that?" If you swim and try and cover it, its gonna not look right, with socks.'* (HN)

*'I have a 16-year-old son, who I've been very active with and he's been through enough scarring, embarrassment, trauma and shame through me ending up in prison. So if I was to take him to a public place, or swimming or a swimming lesson and he was with his friends etc. and the tag was to be visible in that kind of arena or that kind of space. That would not be at all good on so many levels.'* (AK)

*'Every week you know me and my kids were going for swimming, but after that I've never been. My kids asking me, "Going swimming, going swimming?", you know, when I've been there once but people asking questions and look at me like big criminal.'* (VE)

One individual described in detail the shame he experienced while trying to look out for his daughter at the swimming pool, explaining how his ability to care for her was compromised.

*'I have to be very careful, when I'm swimming, there is a lot of parents with their kids and you know swimming...you got to make sure that the tag isn't seen because they start looking at you differently, especially at a place like the swimming pool where kids are half undressed, you know it really makes me uncomfortable, that if someone would see the tag, they would think, "Oh, ok, what is he doing here?"...I feel like I'm doing something wrong when I'm not...I'm supposed to be there watching over her, protecting her...but at the same I'm trying to protect myself...I just don't want to be caught up in a situation that is not it, but people might think it is.'* (KH)

Several participants explained the constant questioning that comes with having a tag. The majority of participants explained the need for constant vigilance in keeping their tag covered whilst in public or around people and spaces where they do not want their tag to be noticed, consequently altering how they go about their daily activities. This was largely due to the discrimination triggered by the stigma associated with electronic monitoring. Several participants described feeling that they were constantly categorised as a 'criminal' and misunderstood, and consequently their safety felt compromised. One participant explained the discrimination faced by employers and police on the streets.

*'I suffer from more attention from the police, I suffer from more scrutiny in public. I've tried to apply for a few jobs and even though the Home Office have stated I'm allowed to work and I have all my rights. A few weeks ago, I tried to volunteer at a charity shop, he just looked at my ankle monitor and asked me, "What is that?"... In his mind he already wrote me off. The other job, I had an interview and such but they didn't contact me back because of the tag on my ankle, they just look at that and I suffer from prejudice. They just think if I have a tag on me I must have committed a grievous crime for me to be put on a GPS tag. Random people walk up to me saying, "What, you have a GPS tag, what did you do?" That could be avoided if I didn't have a tag. I've been stopped by police just because of the ankle monitor. They don't know who I am, they just look at the ankle monitor and think ok, let's just stop him. I tell them it's immigration. Obviously, I'm a black male with a GPS monitor on my ankle, the stereotype is flashing before their eyes.'* (AL)

A need for constant vigilance changed what many people felt comfortable wearing. Tag wearers altered the way they dress to avoid judgement and hostility, with some using longer socks to cover the tag. Several participants also expressed the difficulty of having to wear longer trousers in the hotter weather where they are forced to cover up their legs, causing discomfort.

*'It just makes it uncomfortable because you don't want the whole world out there to know you're on a tag and see your tag. The situation is different because I'm on immigration bail but always people think that if you're on a tag then you've got a criminal offence you know. I tried to hide it as much as I can but sometimes the trousers go a little bit up and it might show and you can just see people looking at you...but I don't make that quick thing of hiding it, I just let it be and you know put it away in my own time because I don't want people to think "Oh if I've got a tag, let me hide it or move away from there", then they will definitely start thinking there is a criminal thing going on.'* (KH)

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*'When people see this thing on your leg they treat me different, they think I'm a criminal, absolutely. It's big, with my clothes it disturbs you when you're moving. It's a very bad feeling and very scary at the same time because you don't feel like safe.'* (HN)

*'I'm obviously very self-conscious, I'm always covering it with socks. Normally I don't wear socks but since the tag I always wear socks to cover it, there's just a stigma attached to it. People say, "Oh you're a criminal, you did bad things or you hurt a woman or whatever", make all these assumptions.'* (WJ)

It was not only in public that participants experienced stigma, but also within their personal lives. Many individuals articulated the strain their various relationships came under as a result of the hostility directed to them but also to others they are with when the tag was noticed. Four participants described the difficulty they had explaining the tag to children with many making efforts to prevent children from seeing the tag at all or being forced to make excuses.

*'I'm a godfather to a two-year-old girl and so hanging around in her space, we've had to make something up about this thing on my leg like I've got a robot leg or whatever and I need to charge it.'* (AK)

Several participants expressed how much of their day was built around charging their device. The challenge of being home in good time to charge the tag overnight was a frequent issue articulated, one participant explained the shame felt if his charging starts to run out in public. This created a tie to the house where people felt unable to leave for long periods of time, further isolating individuals from an ability to conduct normal daily activities. A report by Reform into electronic monitoring noted that GPS tags frequently had worse battery life than other forms of monitoring as they involved higher volumes of data transfer and more frequent communication between the anklet and central portal, which drained the battery life of the devices [72].

*'When I go out there, the charging starts running out and making noises I don't feel like a human being, I feel like a car or something, I cannot function like a car without petrol. I'm out there and then it starts beeping, people look at me. It's demoralising. When it runs out and beeps, I sometimes pretend it's my mobile phone. It's really hard. I make my excuse and move away from the place.'* (LR)

The evidence from BID interviews clearly presented how the social stigma that came with electronic monitoring altered the lives of tag wearers in many ways. However, one participant explained his refusal 'to be victim to the tag' and articulated his insistence on trying to confront the stigma, presenting small moments of resistance against the damaging effects electronic monitoring brought to all who are subject to it.

*'Initially I was very resistant to show it [the tag] in public, to constantly wear long pants and cover it with a sock etc. and that has a bearing and a limitation on the places I could go. That was an initial thing and I have now come to terms with it because I refuse to be a victim to a tag, I'm over that. I want to live as much of a normal life as I possibly can...I'm over being shamed or guilty about it. If people want to ask me, I'm open to starting a dialogue or discussion about it without having to hide. I refuse to feel like a prisoner in my home and not to engage with the outside world and to limit me in any way shape or form, I refuse. But I can imagine and I have been doing some reading about it and not everybody deals with it the same way that I'm able to. I know people go into recluse mode and minimise themselves and all of that.'* (AK)

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72.Lockhart-Mirams, G., Pickles, C., & Crowhurst, E. (2015). Cutting crime: The role of tagging in offender management (p. 41). Reform. [https://reform.uk/wp-content/uploads/2018/10/Tagging-report\\_AW\\_8.pdf](https://reform.uk/wp-content/uploads/2018/10/Tagging-report_AW_8.pdf)



## Mental Health and Emotional Wellbeing

We explored the health issues of people in our sample that existed before the Home Office made the decision to tag them. Several participants said they had been on medication for various issues while detained, with many of these also having received counselling by staff. 17 out of 19 participants expressed some form of vulnerability connected to their mental health: seven participants explained they had suffered from depression and/or anxiety; one was a victim of sexual abuse; three expressed that this had led them to feeling suicidal; one suffered from PTSD; one participant expressed suffering from ‘trauma’; and eight simply expressed they suffered from ‘mental health problems’.

Electronic monitoring had a severe impact on the mental health and emotional wellbeing of the people we spoke to. The severe psychological harm Monish Bhatia describes in his study is also evident the experiences of our interviewees [73]. Participants spoke about the different ways that tagging forced them to lead a more isolated life. Some emphasised how the tag interfered with their ability to work or do the activities they are used to, or be a part of society in other ways. Others said it affected their most intimate relationships including the way they raise their children or their relationship with a partner. One participant told us that since he has been tagged his friends have been avoiding him. Participants in our research echoed the findings of Dr Monish Bhatia that tagging is experienced as a form or continuation of imprisonment outside of the prison [74].

*‘I used to be very sociable, got a group of friends and that. Now, the majority, when they know that I’m on the tag, they’re avoiding me, for no particular reason.... They [friends] don’t want to associate with myself... I’m getting emotional because it’s so hard.’ (LR)*

On top of the isolation that tagging caused, the lack of a time limit or any road map for removal or review of tagging meant that people felt stuck in a protracted period of limbo. Participants were not provided with information for challenging tagging or easy contact with Capita EMS or their Home Office caseworker, meaning they were unable to take proactive steps to remove the tag and were left waiting or hoping for the Home Office to act. The ICIBI’s [75] report suggests that such hopes are futile – the tagging system within the Home Office is so under-resourced and ill-equipped to deal with the scale of electronic monitoring that the three-month reviews required by Home Office policy are not taking place. At the same time, people are often waiting many months or years for a decision on, or conclusion to, their substantive immigration case, with Home Office decision-making becoming increasingly beset by delays. During this period some people are also banned from working and subject to other immigration restrictions known as the ‘hostile environment’. The people we spoke to were kept in a state of confusion and heightened anxiety and unable to move forward with their lives. For some participants the tag also served as a physical and constant reminder of the precarity of their presence in the UK and the lingering threat that they could be detained and taken away from their family at any moment.

73. Bhatia, M. (2021). Racial surveillance and the mental health impacts of electronic monitoring on migrants, p.30. *Race & Class*, 62(3), 18–36. <https://doi.org/10.1177/0306396820963485>

74. Bhatia, M (2021, January 26). Race surveillance and the mental health impact of electronic monitoring on migrants, *Race & Class*

75. Neal, D. (2022). An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders. Independent Chief Inspector of Borders and Immigration. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/108888/O/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/108888/O/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)



*'It's on my leg and as soon as I see this it's a constant reminder that you know, you might be taken away from your family, and so psychologically it's every time I see it... So it's got that cycle now of wanting to charge at 2 o'clock, waking me up all the time. But I don't have a problem with that it's just the psychological thing it's crazy, every time I see it and I'm just thinking they're going to take me from my daughter any minute now... it's torturing really... Any time now, they can just come to anywhere I am and scrape me up, and take me to a detention centre. And constantly it just makes you think like, I wonder if they're going to come here if I'm at my mum's house, I wonder if they're going to come here.'* (HP)

*'My mental health is being affected as you don't know what is happening with your life. No date – just waiting, for how long? For example, I got a job, four weeks ago I sent a contract but HO [Home Office] need to approve right of work, they haven't responded. What am I meant to do? I want to work, I want to support myself. I want to live a normal life. They do nothing.'* (GH)

The impact of this state of isolation and limbo is exacerbated by the fact that the tagging, along with the requirement to report to the Home Office, took up large amounts of time, funds and mental energy. Participants also spoke about how the tag made it more difficult to sleep or would wake them up in the night, and the impact this had on their mental health and wellbeing.

It is harmful for anybody to be kept in this state but for people who have long-term mental health problems the impact has been particularly severe. Three people we spoke to said that they had felt suicidal, and that the tag was a big factor in the deterioration of their mental health. A number of participants said that the Home Office knew about their pre-existing mental health problems, but this was not taken into account when the decision was made to issue them with a tag.

*'The tag affects this big time, it's part of it big time. My suicidal thoughts are about the deportation order. Any paper that comes up. My life is in danger. Especially when you're outside, every time I'm out I think they will take to me detention.'* (HN)

*'You know mentally I'm sick, sometimes I'm feeling suicidal... There is no time limit, time scale, how long it's going to be, my case keeps going for the last three years but I don't know what's going on.'* (EL)

*'I was already on mental health grounds in prison, already on medication for mental health issues, despite all that they gave it [tag] to me.'* (LR)

It was notable how many people felt they had been treated unfairly, or felt let down by the UK. Several participants emphasised the fact that they had been in the UK for decades, or had grown up here, felt as though they belonged here and had contributed to society, and were upset and surprised by the extremely harsh and unforgiving way they had been treated by the Home Office.

*'[It[s] like a limbo, you don't want to be living like that. I don't know if they do it on purpose, people say the Home Office play games, try to wind people up so they go back to their home country but the jokes on them, England is my home country... I've been given leave to remain in 2000, I've been in the country here since I was a baby, since birth. I don't know why they treat me like a second-class citizen when I've been here for the best part of my entire life, my first language is English... I don't know why they put me through this, it's embarrassing.'* (WJ)

*'It's a torture, it's a torture. I don't even know how to put it into words. After all the detention and all that they say that's not enough, you know you have to be on a monitor for life. What for?... I would live anywhere apart from this country now, a country that I loved, I paid my taxes. I don't feel like I belong anymore, it's heartbreaking. Before all that, I felt at home. The way they treat me is completely disappointing.'* (LR)

Participants felt that tagging was unnecessary as they had been through the criminal justice system and had been rehabilitated. They were not being tagged by the probation service, which is the public body with expertise in assessing and reducing risk of harm or reoffending. One participant said that the Home Office was 'playing games' with them, while another described it as 'fear and intimidation'.

*'I just feel like I'm held over a barrel of fear and intimidation of not really knowing what my rights are.'* (AK)

## Physical Health

Five participants suffered from a range of physical health issues. Two participants suffered from asthma. One participant suffered from hip pain that stemmed from an operation, while one participant suffered from chronic knee and back pain. One participant suffered from diabetes which caused a variety of other health issues of high blood pressure and high cholesterol. This individual also suffered from heart problems and had previously been hospitalised for a heart attack and mini stroke.

GPS tags are bulky and heavy objects that are often tightly fitted, and there is no possibility to remove the tag even for a short period to provide some relief. Of the 19 people that we spoke to, 16 said that the tag caused some kind of physical discomfort or pain, with varying levels of severity. The tag caused people to feel physical pain, soreness, itching or burning in the leg. This was due to the weight and bulkiness of the tag, the fact that it is tight or rubs against the skin, or cuts off circulation, and it cannot be removed even temporarily.

*'Sometimes I go to the mosque, I offer my prayer, when you sit down it makes you not feel comfortable, sitting down and whenever you're walking and sometimes the knee area is feeling painful sometimes, especially when you're a little bit more walking. Knees and bones feeling like they have some pain and I come back and make a massage and feeling a little bit dizzy.'* (EL)

For some people the tag interacted with an underlying health problem that the individual had, such as eczema or high blood pressure.

*'Something I do have is I have eczema around my ankle. I don't know whether it's making it worse, but my eczema is pretty bad down there in that area. I didn't suffer from it before in prison. I've done research and I know it's triggered by stress, lifestyle and whether my nervous system is regulating my cortisol levels. So yeah, that there's all sorts of factors involved. Having a tag is a stressful thing so it's indirectly connected.'* (AK)

Several participants commented on the fact that the tag disrupts their sleep, as it can be difficult to fall asleep with the tag attached to your ankle, or through vibrating or making noise in the middle of the night and waking them up, or cutting off blood circulation.

*'And now it's something on your leg, when you go to sleep it make a noise, wake you up, it's run out of the charge – it makes you crazy actually, in the middle of your sleep, feel a vibrate on your leg... feel like somebody is coming and dragging you out of the bed... tag keeps making noise, vibrating on your leg.'* (FH)

Participants also spoke about how the tag affects the way that they are able to exercise. It can cause friction if tag-wearers do any running or other type of vigorous movement, and for some even walking with the tag is uncomfortable. Others report that running or doing exercise with the tag causes pain. Participants also noted that it was particularly uncomfortable in the heat or if they are sweating. This was compounded by the fact that tag-wearers often did not feel comfortable wearing clothing that allowed the tag to be plainly visible, such as shorts. For some participants this meant that they loved swimming but could no longer do this, or no longer felt comfortable going swimming if they were wearing the tag.

*'Before he would walk fast and run, now he's tired and can't walk long distance, he's in pain when he walks long distance because of the tag.'* (DV – interview translated by his partner)  
*The physical pain and discomfort caused by the tag, and the interference with sleeping patterns or the ability to exercise, exacerbated and was sometimes inseparable from the harmful mental health impact that we have already explored.*

## Practical Difficulties

It was clear from speaking to people that the tagging system was beset by practical problems, including faulty tags or chargers, lengthy charging requirements, and difficulty contacting Capita EMS to resolve problems. 15 of the 19 people we spoke to reported practical problems they were having with the tag.

*'Tag hasn't been working for four weeks, I made a complaint soon afterwards, rang the number as soon as possible. They said they would send someone out at a day and time I agreed. I was waiting patiently between 7 -11pm because they said they would come those specific times. They never came.... Then the same thing happened for a second time... I've been trying to enquire to replace it but every time I call, they keep saying someone is going to call me when they come to the property but I haven't received a phone call, my phone is always on and I do answer it. No one has called.'* (WJ)

People reported malfunctions including faulty chargers which were particularly common, and in some cases, participants experienced tags not working leading to the individual going 'offline'. These were highly stressful situations as people are aware that this constituted a breach of their bail conditions which can lead to re-detention or prosecution.

*'They just instructed me to charge it every day and it would take approximately 2 hours to charge. There's also a difficulty with my portable charger. I went to a friend's birthday BBQ. It started to go down. I tried to charge it, the portable charger did not work, I 100% had made sure that I'd fully charged the portable [when I left the house] and I was far away so by the time I'd got home, I didn't know whether the battery had completely run flat or not. Obviously, I was in a complete panic because one of the strict instructions is to never let the battery go down...I had fully charged the mobile charger and that it was faulty. They said they would replace it within the next couple of days.'* (AK)

It was necessary to engage with Capita EMS to report these faults but as we have set out in more detail elsewhere in this report, Capita EMS were exceptionally difficult to engage with.

*'I just contacted them myself because I need another charger because my one doesn't work but it takes a while to get a charger. These people are very difficult to have conversations with because I told them I need another charger, they said they can bring this new charger from 7pm-midnight. I say I'm sleeping at this time. It's a little bit of a weird time. I asked can you send it in the post.'* (GH)

People were particularly frustrated at the amount of time that it took to charge the devices. The Home Office had originally informed tag-wearers that they could charge the devices for one hour per day although it quickly became clear that that was insufficient and the Home Office has now changed the advice to two hours per day. Some participants reported that charging took longer than this, while others reported that the battery life of the tag has depleted over time, so that charging no longer lasted as long as it used to, and did not last a full 24 hours. One participant reported that having the tag submerged in water used a lot of power, and so the battery life died quickly when he had a bath.

*'A friend of mine provided me with accommodation and whatever else he can. This charging for four hours every day, this cost of living crisis, electricity has gone off through the roof and all that. Sometimes my friend says this charging every day is adding to this bill. He didn't know about the tag before he agreed to let me stay at this address. Because the tag was a last-minute thing, I didn't expect it myself, I didn't know until I got released.'* (LR)

Participants reported their frustration at having to think about the charging routine every day – both the difficulty of having to fit this around other commitments in their schedule, and the tedium of having to devote so much time and mental energy to charging the tag. Some participants said that they had to stay still and keep their leg close to the plug socket in order to charge the device. Although they were given a portable charger, participants reported that this did not fully charge the device but just topped up the battery life by an hour, or a few hours.

*'The portable one, it's not working... So, when I need to charge it, I have to literally plug it into an extension, lie down on the bed... with it plugged in my leg, put the extension on the bed because you know like, the wire's not long enough.'* (HP)

*'I move a lot in my sleep, I don't charge it because I move my leg and the switch stops, I pull the cable off. So, I have to wake up and check how long it takes. So, I can't charge it while I sleep.'* (HN)

*'Every day I have to charge, for example, in the morning I get up and after my prayers, I have to charge for one hour, just stay in the bed and put the charger with my leg, charge one hour. Then at evening before I go to sleep, I have to charge again so for the 24 hours you have to charge it for two hours.'* (EL)

A number of these issues were also identified by the Independent Chief Inspector of Borders and Immigration in his review of the electronic monitoring system. He stated that '[i]nstances of faults in December were exceptionally high across the whole of the MOJ contract, with 1,195 devices returned, which included "907 SOLO [EM devices]" which "[Capita EMS] had to recall and return due to a charging fault which all had to go back for repair" [76].

## Difficulties Challenging GPS Tagging

In the immigration system, electronic monitoring is used indefinitely and can last years. As a safeguard against the excessive use of electronic monitoring, individuals are able to make representations at any stage about why tagging should be removed, and the Home Office is required to carry out these reviews. Our research, as well as findings from the ICIBI, demonstrate that these vital safeguards are failing to operate effectively.

Individuals were not aware of how to make representations for their tag to be removed, as the Home Office, EMS and the probation service provided no information about how to do this. A number of the people we spoke to were not aware that it was possible to challenge the tagging. Many did not have access to legal advice or representation, which is vital in making effective submissions on the legal reasons why tagging should not be imposed. Participants were also frustrated about the lack of communication between the Home Office and the probation service.

*'They asked me if I'd like to get legal representation advice about having the tag. My one and only question was, "If I refuse to sign this, will you keep me in prison?" To which the answer was yes.*

*So, I obviously stated, "I am more than willing to have the tag fitted if that means I will be released from prison." ... The PO [Probation Officer] had no idea of tag whatsoever. She had no idea of my immigration. No crossover, no information was given to my probation about my immigration conditions at all. She thought I was allowed to work, so that's how clueless my probation officer was.'* (AK)

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76. Neal, D. (2022). An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders, p.28. Independent Chief Inspector of Borders and Immigration.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/108888/80/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/108888/80/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)



*'In regards to the tag, they don't know. One of the ladies [from EMS] I ask her, "Is there anyone I can ask about this issue?" She said: "There's nothing you can do apart from sign an agreement to go back home, that's the only solution". That's what she told me.'* (LR)

A number of participants said that at the point where they were about to be released from immigration detention, where they may have been held for a long period without knowing if or when they may regain their liberty, they were more willing to accept the tagging and any conditions and restrictions associated with it, because at that point it may have felt like a vast improvement on being detained.

*'[W]hen you're desperate you agree with it because that's the only chance. The way they make it out is that's your only option, so you don't really have an option really. You know it will be an issue but, in that situation, you see it as a positive, better than what I had before. It's part of the trap. They're setting you up to fail. It's a trap but I'm not in a position to argue with it or call it for what it is, a trap.'* (DA)

Some participants were told that if they did not sign some paperwork to accept tagging, they would remain detained, and so they agreed to it. One participant mentioned that, having been released, he would not challenge the tag in case it resulted in him being brought back to detention instead. Challenging the tag should not lead to prolonging detention or re-detention and these statements suggest that the process is not clearly explained to tag-wearers.

*'I was going to challenge it from the inside, but they basically said it was going to have to go to the high courts and it would have been another three months inside. So, after a week I just gave up and went out on tag.'* (AJ)

*'No info on how to challenge it at all apart from a note on my immigration stipulating that the tag will only be removed once my immigration case comes to a head... Please show me how and where to make that request and I will be shouting from the roof tops.'* (AK)

*'I don't have any information about how I can ask [for a review] nobody explains anything so I tried to look at the internet to try and find out myself.'* (GH)

One participant was offered release with a tag three days before his bail hearing, which he accepted as he had been in detention for a year.

Several participants said that their mental or physical health problems were not taken into account when the decision on electronic monitoring was made at the point of release.

*'There was not any question by the Home Office in any way, shape or form whether this [GPS tag] would have any impact on my mental health or state of mind. I feel like I've come to a point where I am stable and don't have any more mental health problems. But yeah, there is recorded proof that I did go through that process in prison to which they had no care or duty of care to even request whether that would create further impact or trigger anxiety or depression.'* (AK)

*'At that time I told them that I have asthma and depression, they knew about it but they still tagged me.'* (DY)

The ICIBI reported that those who are able to make representations are exceptionally unlikely to succeed.

*'Home Office data showed the outcome of 73 representations made to the Hub for the removal of bail conditions between August 2021 and March 2022. EM ceased as a result of 2 representations (less than 3%) and so it appeared that there was a high bar for removal of tags. Other outcomes of the representations included 28 curfew removals and three curfew amendments. The continued unavailability of non-fitted devices meant there was no de-escalation option from a fitted device for staff to consider [77]'*

Moreover, the ICIBI reported that the Home Office was unable to provide the data that its inspectors requested on how many people had been exempted from the requirement for GPS tagging.

Tagging decisions and individual representations appeared to be considered by staff who are not qualified to assess medical evidence, the necessity and justification of maintaining electronic monitoring, or potential ECHR rights breaches. Home Office managers in the ICIBI report suggested that 'staff have received little to no formal training [78].'

One of the few safeguards in the system is the requirement for the Home Office to undertake three-monthly reviews of tagging to assess whether electronic monitoring continues to be appropriate, but lack of resources and administrative failures meant that these reviews were not taking place. None of the people BID spoke to were aware of a review having been carried out in their case – only 2 of the 19 were aware that a three-month review process existed. The ICIBI's report stated that managers said they were unable to do electronic monitoring reviews due to a lack of resources, and that pre-application protocol letters (PAPS) and judicial reviews (JRs) were prioritised due to the set reply times [79]. The effect of this was that only people with access to legal advice would have the benefit of such a review.

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77. Neal, D. (2022). An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders, p.17. Independent Chief Inspector of Borders and Immigration.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1088880/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088880/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)

78. Neal, D. (2022). An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders, p.26. Independent Chief Inspector of Borders and Immigration.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1088880/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088880/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)

79. Neal, D. (2022). An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders, p.29. Independent Chief Inspector of Borders and Immigration.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1088880/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088880/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)

## Additional Onerous Reporting Requirements

Most of the participants that we spoke to were still required to report to the Home Office in addition to tagging, with many being required to report on a weekly basis. Participants felt that being required to comply with two onerous bail conditions was excessive. The GPS tag meant that the Home Office was already able to know their location 24 hours a day and therefore reporting to the Home Office on top of that was obsolete.

*'[T]hey just told me you've been released on bail and you have to wear a tag. Every Tuesday I have to report as well. Every Tuesday I pay £10 for the bus, then I go to sign, no one pays me back. It takes me more than three hours to go and come back. What's the point in having a tag on my leg when I sign in? Why don't they do one thing? I'm here, I'm not going anywhere you know.'* (SD)

*'I've been going to immigration every week and I've tried my best to contemplate with them and say "Look I've been reporting for months, once every month and I was due for a review just before corona but because of corona my review never came through." For as long as I've been reporting since 2019, I've never missed a day... Why do I even have a tag in the first place? I've never absconded, I've always reported... Right now, it's expensive to be reporting on a weekly basis. I'm based in Warwickshire and I've got to report all the way in the West Midlands in Solihull. It's not easy to get there. It's costing an arm and a leg.'* (KH)

Both requirements are costly, time-consuming and a source of anxiety and stress, as the ramifications for a breach of bail conditions are serious. This was experienced as particularly punitive given that both conditions are indefinite and can last years.

## Limited Assistance and Information

Once people are released from detention and made to wear a GPS tag, there is no follow-up contact from the Home Office or their subcontractors who run EMS. This is in stark contrast to how electronic monitoring is used in the criminal justice system, where it is part of a holistic package of measures that includes direct engagement from an offender manager, and a road map for getting the tag removed. In the immigration system, limited information is given at the time the tag is fitted. After people are tagged there is no further engagement and people are provided very limited information about how the tag works, their rights, or how to contact the Home Office or EMS in case of problems.

*'They were absolutely useless. They just gave me the documentation, the leaflets provided by the monitoring service, and asked me to sign some paperwork. I think they gave me the basics of, you need to make sure it's charged at all times. They measured my ankle. Didn't have the right size, went back to the car, and got the right size. Gave me a remote. They didn't give me a visual or actual way of showing me how it charges...I tried to get hold of the monitoring centre. I had to go online and search it. I phoned umpteen times and no one picked up...I think I waited about f days until someone came and replaced it. No idea when they were coming, no calls, didn't inform, no emails, nothing. They just turned up and luckily, I was in. It was in the evening time I think it was between 6-8.'* (AK)

Participants reported a number of problems that made Capita EMS almost impossible to engage with if there was a particular problem with the tag. Participants did not receive a phone call when their tag ran out of battery despite being told that this would happen. There was no clear point of contact which was further confused by the chain of outsourcing – people reported being told by the subcontractor Capita EMS to speak to the Home Office, and subsequently told by the Home Office that they were not in charge of the tags and that the individual needed to speak to Capita EMS. Other participants had difficulty getting through to the right person at the Home Office because either they were not able to speak with their caseworker, or did not know who their caseworker was.

*‘They’re [tag company] blaming the HO, don’t know what the HO are doing, I just need a new tag. They said if the tag breaks, just call this number they’ll come around to fix it. They told me to contact HO, I don’t know who to contact. The HO hasn’t contacted me at all in regards to anything.’ (WJ)*

When participants did get through to Capita EMS, the conversations they had were very frustrating. EMS were consistently inflexible in the home appointment times that they offered, and several participants were told by Capita EMS to stay in their house for a four-hour period in the evening. This was frustrating for participants who felt this was an unreasonable request that interfered disproportionately with their routine and freedoms. In some cases, Capita EMS could not provide clarity on whether they would come that day or not. There was also no way of having the appointment at any other location than the individual’s residence. Nevertheless, participants reported that it was common for Capita EMS not to arrive during the agreed window. When this happened, Capita EMS would not communicate this to the individual so that they could leave their house for the evening.

*‘I don’t want to get in trouble – want to be good for bail conditions but every day I call and they say, “Maybe today, maybe tomorrow”. How can they do it, I am busy, I have my life, I’m not in prison anymore. It’s not possible to have nice conversations with them. I asked “Can you tell me a day?” Not even a time, just a day so I can wait. They said “No, sorry we can’t.” It’s really crazy. It’s not my fault. Both chargers broke after one month after it was given.’ (GH)*

When Capita EMS did attend appointments, participants said that they were not particularly professional, were not wearing uniforms, and were unable to provide any helpful information or assistance. Participants told us that they received no information on how to challenge the tag.

*‘I still call my caseworker with the Home Office, I’m not living a normal life, I know nothing as no dates or information given. When you deal with criminal sentence, you get court dates, you get information. These people say nothing. Somebody is giving them too much power.’ (GH)*

Participants also felt that the requirement for the tag to be fitted in their home was an invasion of their privacy but felt that they had no option and could not refuse it.



As the ICIBI reported in the review of the GPS tagging regime, Home Office staff reported to inspectors that ‘EMS don’t communicate’ and that ‘[w]hen it’s [tag] on 20% battery, they [EMS] should call the FNO, but they don’t call... if they did this, it would reduce the numbers [of breaches] and we could focus on the ones that are properly breaching’. Home Office staff also reported to the inspector’s team that they had become ‘desensitised to the issues with EMS’ [80].

## Concerns about Use of Data

The ‘trail data’ captured by GPS electronic monitoring is extremely extensive and intrusive. GPS tags monitor and make a record of every location that an individual has been to, 24 hours a day. The data collected enables those viewing it to build a picture of the intimate details of that individual’s life – their daily routine, political affiliations, work, relationships, health problems and so on. However, as any conclusions based on trail data are subject to interpretation, they may also be inaccurate and allow false assumptions about a wearer’s life to be made [81].

The sensitivity and colossal volumes of data collected suggest that there should be strong safeguards and strict limits on the processing, storage and accessing of this data, and clear explanations to the people being monitored about how their data is being used.

That is not the case. The Home Office has very wide discretion to access seemingly all of an individual’s trail data in many circumstances including if that individual makes an immigration application involving Article 8 ECHR. Additionally, ‘anonymised data may be used to understand the impact of electronic monitoring and the behaviours of those on EM to continuously improve the service and to inform immigration policy, in accordance with data protection law.’[82] Both of these go far beyond the purpose of electronic monitoring of making sure people stay in touch with the authorities and it is alarming that the state is entitled to trawl through highly sensitive and personal data as part of processing an immigration application. Except for one individual that we spoke to who was very concerned about how the Home Office would use his trail data to assess the strength of his relationship with his son, participants did not appear to be aware of this use of data.

*‘Article 8 stipulates that if we want to stay that we have to prove we have family and that we are embedded in UK society. Obviously the biggest one is right to family life. So having a child and proving that I am a substantial role model in his life is a huge one. But the Home Office, if they want to, this is what I’ve heard, I don’t know the reality of it but this is the reading I’ve done. If they want to prove that I have no subsistence – this is a word they love to use – relationship with my son; they can pull up the tracking GPS evidence from my tag and say that I have not had consistent interaction in a face to face way with my son and therefore do not have proof to subsistence relationship and therefore have the grounds to deport me from the country.... So, in so many ways, I just feel like I’m held over a barrel of fear and intimidation of not really knowing what my rights are.’ (AK)*

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81. Privacy International. (2022). Submission to the Information Commissioner’s Office. <https://privacyinternational.org/sites/default/files/2022-08/2022.08.17%20-%20Privacy%20International%20complaint%20against%20Home%20Office%20use%20of%20GPS%20Ankle%20Tags%20%5Bpublic%20version%5D.pdf>

82. Home Office. (2022). Immigration bail: Version 13.0, p.40. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)



The ICIBI's report criticised the careless way with which the Home Office was handling this highly sensitive data: 'GPS devices track and record the location of all wearers at all times and the data was stored by EMS on their internal servers. The Home Office did not have access to these systems, which was a concern as it had limited oversight of how this data was managed, protected and shared [83].' The report found that staff rely on excel spreadsheets they have created themselves and 'information from Home Office IT systems that they told inspectors they did not trust' [84].

The ICIBI criticised the fact that, as the data is held internally on Capita's systems, there is no way of assessing if it is being held in a GDPR compliant way. This lack of data protection and accountability is of utmost concern and reflects a failure to protect the data rights of vulnerable migrants. BID's interviews reflect the total lack of information to tag wearers on how their data is being processed. Among the set of questions we asked participants was: 'Were you given any information about how your data would be processed?' Only one indicated that they were told how their data would be processed, and that individual was under the impression that they had no access to the data held about them obtained through electronic monitoring.

*'They give you a leaflet explaining about the data, and this and that. It's clear. They tell you it stores in this thing, if the Home Office require it, they can access it. I'm not sure if it gets to be shared or what, I'm not sure. The EM company provides it to the Home Office if they require it, I think. I have no access to it, I don't know.'* (DA)

Some participants said that the 24/7 surveillance and collection of data was framed in a positive light by the Home Office or its subcontractors, as it could help vindicate the individual if they were a suspect in a crime.

*'They said the data can be used for crime prevention – spinning it in positive way. They said it can be used to vindicate me from a suspected crime, in a positive way. I think they will use the data but I don't know how they will use it with this data protection act. I'm sure they will use it for good reason. I don't know how the HO works. I've never been on this type of tagging before.'* (WJ)

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83. Neal, D. (2022). An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders, p.29. Independent Chief Inspector of Borders and Immigration. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/108880/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/108880/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)

84. Neal, D. (2022). An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders, p.2. Independent Chief Inspector of Borders and Immigration. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/108880/An\\_inspection\\_of\\_the\\_global\\_positioning\\_system\\_GPS\\_electronic\\_monitoring\\_of\\_foreign\\_national\\_offenders\\_March\\_April\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/108880/An_inspection_of_the_global_positioning_system_GPS_electronic_monitoring_of_foreign_national_offenders_March_April_2022.pdf)

# Recommendations

We recommend an immediate end to the use of GPS tagging for those on immigration bail. We question the need for this kind of intrusive and harmful monitoring in the context of immigration control. To the extent that the current system remains in place, there must be a recognition by the Home Office that GPS electronic tagging conditions constitute a significant interference with people's Article 8 rights under the European Convention on Human Rights and that, as such, **significant public interest factors are likely to be required to justify GPS tagging.**

While tagging remains a bail condition, the following essential safeguards should be implemented as a matter of urgency:

**1. A strict time limit to the use of GPS tagging should be introduced.** Interviewees told us they found the indefinite nature of tagging to be detrimental to their mental health.

**2. There should be an end to the use of mandatory electronic monitoring.** This would help ensure that it is used only on a case-by-case where it is proportionate to facilitate immigration bail.

**3. The First-tier Tribunal (Immigration and Asylum Chamber) should be allowed to decide whether to impose electronic monitoring as a bail condition.**

Removing the statutory duty to electronically monitor certain groups of people on immigration bail would allow independent immigration judges to assess on a case-by-case what bail conditions are necessary. The Guidance on Immigration Bail for Judges reminds us that these bail conditions 'should be the minimum necessary' [85].

**4. Strict limits should be set on the processing of data obtained via GPS monitoring, so that such data can only be processed when it is for the purposes of, and to the minimum extent reasonably necessary for, determining whether an individual has breached a condition of bail.**

There are significant concerns that allowing trail data to be accessed for purposes beyond this breaches data protection law [86].

**5. Electronic monitoring should not be used when it would interfere with an individual's rehabilitation, nor be used when an individual has been identified as vulnerable, for example, those who satisfy the definition of an 'adult at risk' under the Home Office's policy.** Interviewees told us that their physical and mental health were not taken into consideration before imposing electronic monitoring.

85. Clements, M. (2018). Guidance on Immigration Bail for Judges of the First-tier Tribunal (Immigration and Asylum Chamber) (Presidential Guidance Note No 1 of 2018), p.10. Tribunals Judiciary (Immigration & Asylum Chamber).

<https://www.judiciary.uk/wp-content/uploads/2018/05/bail-guidance-2018-final.pdf>

86. Privacy International. (2022). Submission to the Information Commissioner's Office.

<https://privacyinternational.org/sites/default/files/2022-08/2022.08.17%20-%20Privacy%20International%20complaint%20against%20Home%20Office%20use%20of%20GPS%20Ankle%20Tags%20%5Bpublic%20version%5D.pdf>

6. The Home Office and any relevant contractors should ensure that anyone fitted with a GPS tag has had an opportunity to make representations as to why it should not be imposed on them as part of their bail conditions, and provide anyone fitted with a tag with clear information detailing how they may request its removal. Severe obstacles exist in allowing those on immigration bail to make representations about not being fitted with a GPS tag or having one removed. Home Office guidance outlines the information anyone who is fitted with a GPS tag should receive – this guidance should be followed without exception [87].

7. In instances where a GPS electronic monitoring condition is imposed, a system of regular reviews to assess whether electronic monitoring continues to be appropriate - should be implemented consistently in every case. Lack of resources and administrative failures has shown that reviews were not taking place. None of the people BID spoke to were aware of a review having been carried out in their case – only 2 of the 19 were aware that a three-month review process existed.

8. The support offered to those fitted with GPS tags should mirror the support provided in the criminal justice system, which has been shown to be a vitally important in reducing the stress and anxiety of electronic monitoring [88]. A 24/7 monitoring support centre should be available and offer assistance within reasonable timeframes. Interviewees described having significant difficulties with contacting Capita EMS and getting support from them in a prompt manner, for example with regard to replacing faulty devices.

9. In instances where a GPS electronic monitoring condition is imposed, a reporting condition (including telephone or digital reporting [89]) or a curfew should not also be imposed alongside it. Imposing a reporting condition or curfew in addition to GPS electronic monitoring duplicates bail conditions and is contrary to the principle of imposing only the ‘minimum necessary’ bail conditions [90].

87. Home Office. (2022). Immigration bail: Version 13.0, p.39.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)

88. Hucklesby, A., & Holdsworth, E. (2020). Electronic monitoring in probation practice. HM Inspectorate of Probation. <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/12/Academic-Insights-Hucklesby-and-Holdsworth-FINAL.pdf>

89. Home Office. (2022). Immigration bail: Version 13.0, p.21.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102889/Immigration\\_bail\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102889/Immigration_bail_September_2022.pdf)

90. Clements, M. (2018). Guidance on Immigration Bail for Judges of the First-tier Tribunal (Immigration and Asylum Chamber) (Presidential Guidance Note No 1 of 2018), p.10. Tribunals Judiciary (Immigration & Asylum Chamber).

<https://www.judiciary.uk/wp-content/uploads/2018/05/bail-guidance-2018-final.pdf>

# Appendix A - Testimonies

## AK

*"I had no idea when they were coming to my property, just by luck, I was in at that time. I found the whole process kind of invasive, there was no option where I'd rather have the tag fitted elsewhere...It was just instructed that I had to give access to my property. In terms of privacy...What are my rights in that situation? There was nothing...They were absolutely useless...They just instructed me to charge it every day...There's also a difficulty with my portable charger..... So I called them the next day...they verified...that it was faulty...I think I waited about 5 days until someone came and replaced it. No idea when they were coming, no calls...no emails, nothing. They just turned up and luckily, I was in.*

*"No info on how to challenge it at all apart from a note on my immigration stipulating that the tag will only be removed once my immigration case comes to a head...Please show me how and where to make that request (demand a review of tag) and I will be shouting from the roof tops. What are my rights for the tag to be removed? Whether that's an extreme condition, such as if it's triggering my mental health to such a level that I couldn't live a humane existence? Has anyone declined it and have they gone through the court system? Where are we in the process of saying this is an intrusion against the right to private life? My biggest thing in all the research I've done in this, is that it's an invasion into the right to private life. Article 8 stipulates that if we want to stay, that we have to prove we have family and that we are embedded in UK society. Obviously the biggest one is right to family life. So, having a child and proving that I am a substantial role model in his life is a huge one. But the Home Office...If they want to prove that I have no subsistence – this is a word they love to use – relationship with my son; they can pull up the tracking GPS evidence from my tag and say that I have not had consistent interaction in a face to face way with my son and therefore do not have proof to subsistence relationship and therefore have the grounds to deport me from the country...surely that's an invasion of right to private life? And my question also goes the other way – if I wanted to prove that I've had a subsistent relationship with my child, could I then stipulate a request for the Home Office to bring that information and show that I'd been to the area or place where he lives and therefore prove that I have had that kind of consistent relationship with my child? No information and so much confusion on our immigration release as also per licence release...obviously the scare there is that I have a GPS tracking device on my leg at all times and obviously if they can prove that I haven't stayed there at home, is this going to be grounds for breaking my conditions and deporting me?...So, in so many ways, I just feel like I'm held over a barrel of fear and intimidation of not really knowing what my rights are... My one and only question was, If I refuse to sign this, will you keep me in prison? To which the answer was, Yes. So, I obviously stated, I am more than willing to have the tag fitted if that means I will be released from prison...But there was not any question by the Home office in any way, shape or form whether this would have any impact on my mental health or state of mind.*



*"I was recently engaged in a new relationship with a girl and...when I told her about the tag, it wasn't in any way positive...People are trying not to stare but they stare and if she's with me, it's not very empowering or something that she feels proud about...It's different for me, I've kind of accepted it and refuse to let it impact my life. But it definitely has a knock-on effect on relationships...I'm a godfather to a two-year-old girl and so hanging around in her space, we've had to make something up about this thing on my leg, like I've got a robot leg...Initially I was very resistant to show it in public, to constantly wear long pants and cover it with a sock etc. and that has a limitation on the places I could go...Now I've come to terms with it, because I refuse to be a victim to a tag, I'm over that. I want to live as much of a normal life as I possibly can, I'm very aware that it creates a stigma and a possibility for me to be...discriminated against in a judgemental way. Even by someone not asking me, but just by looking at it and putting me in a certain category...So, it does have implications. Another thing I'm very sensitive about it I have a 16-year-old son, who I've been very active with and he's been through enough...through me ending up in prison. So, if I was to take him to a public place, or...a swimming lesson and he was with his friends etc. and the tag was to be visible in...that kind of space. That would not be at all good on so many levels...I'm over being shamed or guilty about it...I refuse to feel like a prisoner in my home and not to engage with the outside world and to limit me in any way shape or form, I refuse."*

## LR

*"They said...we're not restricting your movement, were following your movement. But somehow, I feel it's restricted because I cannot go far, because of the charging. They say when its fully charged it will last 24 hours, but it's not true, I usually charge it when I'm bed will last me about 12 -18 hours. Portable charger gives you an hour, but even you go out, you have to find place out of public view to connect it, adding to the annoyance. I was already on mental health grounds in prison, already on medication for mental health issues, despite all that they gave it (tag) to me.*

*"My son is 18 and I don't want him to know about it (the tag). He doesn't know. When it starts to run out it beeps and he says, Dad what's that? I say, It's just a mobile phone. I make my excuses quick and get him home. I couldn't spend as much time as I wanted to...I feel like it's not the right time to tell him about all that...I don't want to confuse him, until he's a little bit older so that he can make his own judgement about things. Right now, I feel like he's too young to be put in these types of thoughts. When I go out there, the charging starts running out and making noises I don't feel like a human being, I feel like a car or something, I cannot function like a car without petrol...people look at me. It's demoralising. When it runs out and beeps I sometimes pretend it's my mobile phone. Its really hard. I make my excuse and move away.*

*"Restricted social life to the one I used to have...I used to be very sociable, got a group of friends. Now, the majority, when they know that I'm on the tag, they're avoiding me...I didn't think that would be enough, someone who used to be a close friend are now avoiding me. They (friends) don't want to associate with myself, or even if they do, you feel like there's something there, it's not like it used to be you know. I try to hide it as much as I can, but the people who I think would understand, I tell them the truth about it...But someone just reads things in the paper and think, Ok that's me. I don't really care what these people think but there's certain people that... I'm getting emotional because it's so hard.*



*“Even when you sleep it takes 4 hours to charge, you cannot be comfortable in bed, you got that thing dangling around your leg with wires and all that. When you move the charger gets disconnected, starts vibrating, making noise and... it’s a torture, it’s a torture. I don’t even know how to put it into words. After all the detention...the end of that they say, That’s not enough, you know have to be on a monitor for life. What for? I am not in Home Office accommodation, I’m not getting support from them. A friend of mine provided me with accommodation and whatever else he can. This charging for four hours every day, this cost of living crisis, electricity has gone off through the roof and all that. Sometimes my friend says this charging every day is adding to this bill...Because the tag was a last-minute thing...I didn’t know until I got released and I told him. If he knew I was on the tag, he wouldn’t have accommodated me, that’s for sure. I know that because...it feels different from before, its effected our relationship. I don’t feel I’ve been treated fairly by the Home Office no, they know that I’ve been living in this country for the last 17 years. I’ve got nowhere else to go. They say they’re going to deport me but they know they can’t. Why are they not letting me live? Honestly if I had a safe place to go to, I would love to be sent to that safe place. But it’s not safe for me to be sent to that country. I’m an educated man, I speak seven different languages. I would live anywhere apart from this country now, a country that I loved, I paid my taxes. I don’t feel like I belong anymore, its heart-breaking. Before all that, I felt at home.*

*“There’s no set time, they just put it there, is that 3 months? Is that 6 months? Is that for life? I asked how long and if there’s a chance for review. I report weekly every Tuesday. One of the ladies I ask her, Is there anyone I can ask about this issue? She said, There’s nothing you can do apart from sign an agreement to go back home, that’s the only solution. That’s what she told me.”*

## AL

*“I think the only time when my battery life didn’t last was when I had a bath and I think when the tag is submerged in water it uses a ridiculous amount of power. When I was in the middle of my bath during the midday time, I charged it and the charge is supposed to last way longer into the evening but because I was in the bath, the battery life just zapped and I had to jump out of the bath to quickly charge it. I think the battery life gets effected when its submerged under water because I think it has trouble locating and uses more power. I found that out for myself I didn’t know the battery life would just get zapped like that.*

*“Giving me more anxiety and depression because of the tag on my ankle, I suffer from more attention from the police, I suffer from more scrutiny in public. I’ve tried to apply for a few jobs and even though the Home Office have stated I’m allowed to work and I have all my rights. A few weeks ago, I tried to volunteer at a charity shop, he just looked at my ankle monitor and asked me, What is that? And then the conversation just arose it. He just started telling me if its immigration you need to produce all your documents, all of that stuff but then in his mind he already wrote me off.*

*“The other job, I had an interview and such but they didn’t contact me back. Because of the tag on my ankle, they just look at that and I suffer from prejudice. They just think if I have a tag on me I must have committed a grievous crime for me to be put on a GPS tag. Random people walk up to me saying, What, you have a GPS tag, what did you do? That could be avoided if I didn’t have a tag. I’ve been stopped by police just because of the ankle monitor. They don’t know who I am, they just look at the ankle monitor and think, Ok, let’s just stop him. I tell them it’s immigration. Obviously, I’m a black male with a GPS monitor on my ankle, the stereotype is flashing before their eyes.*

*“Most of the time I try to hide it but sometimes I just forget or it hangs out the bottom of my trousers so people just look and question, What is that? Or if I’m wearing shorts in the summer, it’s just out in the open. I definitely am (conscious to be on top of my charging) since immigration is the reason that I spent an extra 6 months in custody. I dodged a bullet by the police and now they’re looking for any reason to lock me up again. It took me a long time to get bail, I used BID to help me get bail and then they were looking for any excuse to not give me bail. I wasn’t given a deportation order. I’m home grown, I’ve been here since I was 2 years old, so yeah. I went to prison in June 2020 and I was sentenced to 18 months but I spent almost two years in prison because of the Home office. I served two years and then I served extra due to immigration and a delay with probation not checking my address.*

*“They don’t know what’s going on, the people who I report to. They don’t know nothing in regards to my case. I can’t get hold of the caseworker.”*

## KH

*“I would say 90% of the time I am at home. I don’t go far ever since I’ve had it. I’ve never slept out or go to a friend’s place...It is because of the tag. It just makes it uncomfortable because you don’t want the whole world out there to know you’re on a tag...the situation is different because I’m on immigration bail but always people think that if you’re on a tag then you’ve got a criminal offence. I tried to hide it as much as I can but sometimes the trousers go a little bit up...and you can just see people looking at you...I don’t think there are people out there who know that tags are being given to people on immigration bail. They always think it’s a criminal bail from the court or you’ve been released from prison...I always try and come back home so that I can charge it overnight...so I always make sure I’m on the good side of the law.*

*“I have to be very careful, when I’m swimming, there is a lot of parents with their kids and... you got to make sure that the tag isn’t seen because they start looking at you differently, especially at a place like the swimming pool where kids are half undressed, you know it really makes me uncomfortable...I feel like I’m doing something wrong when I’m not...I’m supposed to be there watching over her (my daughter), protecting her...but at the same I’m trying to protect myself...I just don’t want to be caught up in a situation that is not it, but people might think it is. I’ve got high blood pressure, I’m a sugar diabetic. I’ve got high cholesterol, I’ve got heart problems. I’ve had a mini heart attack, a mini stroke. I’ve been hospitalised...Because of my tag having it always on my ankle...My legs gets swollen, you always see the mark of it... digging into the skin. It’s on my left leg so if I put a sock on it, it becomes too tight and then when I take it off at the end of the day...it’s been cutting the circulation of my blood...*

*"With my daughter she doesn't know that I've got it. I don't want her to know...even if I'm around the house, I can't wear shorts, I can't just jump out the shower with a towel. I always make sure I have to wear something long. Even if we just have a BBQ at home, I cannot wear shorts because I don't want her to see...why should I lie to her? To lie to my daughter. So, I thought the best thing is just to hide it. It's the hardest thing. I've been going to immigration every week...I was due for a review just before corona but because of corona my review never came through.*

*"For as long as I've been reporting since 2019, I've never missed a day...so, I don't see the reason, why you would take me to a detention centre, give me bail and make me report on a weekly basis...to make matters worse, I'm now on a tag... you can see where I am on GPS 24 hours a day...When I went to immigration and I was crying out saying, Please do something... surely review this, why do I even have a tag in the first place?...they said, Oh, with the tag we're not involved...Every time I go, it's the same thing and I've got tired and I say, You know what, I'm just hitting a brick wall here. It's made me pull out of a lot of things, I can't hang out with my friend's because I know I've got a tag. I know somehow somewhere, it might show, so I'm isolating myself because of that...I know I will be uncomfortable because of that tag. I won't be free so I try and pull out and isolate...I cannot be in a proper public place, because being in a park...even though you're with a kid, people think whatever they want to think...just having a tag, people think its criminal.*

*"I've got a partner, I've got a life here because I have an 8 year old daughter who I'm the main carer of...The only time I was away from her the longest was when I was put into detention...It was really hard, she said on the phone, When are you coming home, I thought you loved me?...And still now she bites her nails, she never used to...They went to Zimbabwe again in April...and for the first time ever she cried at the airport... she kept on hugging me and crying and I was like, Why are you crying? She said, Are you going to be here when I come back?... She has never asked me that before. I never want to lie to her because I know it will catch up with me...The one thing I've always told her, Daddy will be here when you come back, I promise. She is always biting her nails. I say, Why? And she says, Because I'm nervous... It's a trauma."*

## EL

*"Keep the charger with you wherever you go. That's all I do all the time. I don't know how it will work, but there is definitely data, like you will be monitored by them, wherever you go, how far you go...makes me very sick, it might be I go somewhere out with the family, with the friends, somebody watching, where are you? What are you doing?...it makes me so much crazy now. For example, you go with your sister, or your brother, somebody calling you, Where are you? Why you get out?...I'm feeling so awkward. I'm a human being, I need my freedom...criminal cases, sometimes lives change, they keep going, but I spend all my time in the prison...I spent 24 months inside, it was very, very hard work to get out, and then I'm out but still under restrictions. Every day I have to charge, for example the morning I get up and after my prayers I have to charge for one hour, just stay in the bed and put the charger with my leg, charge one hour. Then at evening before I go to sleep I have to charge again...I've got to make sure it's got enough battery inside, they told me it should be charged all the time. So I keep trying they say it's a rule, this one it's a Home Office rule they told me, they don't listen to me. I did try with my solicitor, I say it's affecting my mental health and she applied for them (review) and they refused it. ....*

*There is not any timescale...Before I went to the detention I was struggling with the mental health, depression...I got more worse and worse when I was in detention. You know mentally I'm sick, sometimes I'm feeling suicidal. So, what the life is, what the hell, life is like this? You know, there is a limit for your patience... how long can you keep going like this?...*

*"Nobody listens to us, because of the foreign nationals, or because I have no access to somewhere, where somebody can hear me, or get out of this situation. I'm not like somebody who has a British passport, or something who is a British national, I'm just a foreign national and that's why the people are dealing like that. Technically I have no issues, but mentally, socially, you can't go sitting with family and friends and somebody's sitting watching you, Oh you have a tag, why you have a tag? Then after start a lot of questions, lot of questions, What happened? When happened? Why happened? So it's too much why, why, why and you don't have the answer for every people. Sometimes I go to the mosque, I offer my prayer, when you sit down it makes you not feeling comfortable, sitting down and whenever you're walking and sometimes the knee area is...feeling painful sometimes...Knees and bones feeling like they have some pain...But mentally it's so much serious. It's the more painful I feel. Basically, as you are a human being you can understand, that somebody is bound into the house and you can't get out, how do you feel? These 24 hours keeps going with you. Not physically but it's made me mentally ill, sick and torturing, It's mentally torturing, it's all the time keep you thinking, Oh I have something bound in the limitation and something is keep going with me, and so the people is watching me. It's giving me, you know, mental stress, I've had a depression...There is no any time limit, time scale, how long it's going to be?.*

*"The Home Office never treated fairly. For example, if I did something wrong I got the punishment...I got that judgement from the court...Then what? Still I have the same situation, house arrest, like I don't have freedom...still people keep asking me... You are still with the tag, oh you've done something very serious. For the last three years my case is under the Home Office and I'm stuck, my hands and legs are tied and I'm stuck inside, in the one room! I'm not feeling like I'm an easy man in the world, I can't move around, I can't go somewhere, everybody has ambitions to do something but I am bound inside for nothing, still keeps going, keeps going."*



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