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Briefing: Ending the Immigration Detention of Children November 2010

The mental and physical ill-health suffered by children in immigration detention is well-documented. Medical studies have found that detention is associated with post-traumatic stress disorder, major depression, suicidal thoughts, self-harm and developmental delay in children.¹

BID and The Children's Society were therefore very pleased when the new Government announced this May that the detention of children would be ended. However, we are gravely concerned that children continue to be detained, and that some of the alternatives proposed by the Government pose serious risks to children's well-being.

We recognise that, in the current asylum and immigration system, some families will be forcibly removed from the UK. However, there is clear evidence from overseas that far fewer families end up facing forced removal if overall improvements are made to the immigration and asylum system. For example, in Sweden, 82% of all returns of refused asylum seekers in 2008 were made voluntarily.² By comparison, in 2009, only 14% of returns of asylum seekers and migrants from the UK were made through the Assisted Voluntary Return schemes.³ We are calling on the Government to make much needed changes to the asylum/immigration system which would mean that families whose cases are refused would be more likely to return voluntarily to their countries of origin.

We are also particularly concerned about two of the methods of forcibly removing families that the UK Border Agency (UKBA) is trialing as alternatives to detention: limited notice of removal and accommodation centres.

Notice of removal

From 22 November, the UKBA are piloting a scheme to forcibly remove families from the UK without informing families of the date on which they will be arrested and forced onto a plane.

Previously, families were routinely given a minimum of 72 hours notice of the date on which they would be removed from the country. This period of notice is crucial, as it gives families an opportunity to seek legal advice and access judicial oversight of the decision of the UKBA to forcibly remove them.

BID and The Children's Society have worked with a number of families who have been granted leave to remain in the UK after attempts have been made by the UKBA to forcibly remove them from the country. Because of flaws in the decision-making process, limited notice removals would increase the risk that families who have well-founded fears of persecution in their countries of origin would be forcibly removed.

¹ Lorek, A., Ehnholt, K., Nesbitt, A., Wey, E., Githinji, G., Rossor, E. and Wickramasinghe, R. (2009) 'The mental and physical health difficulties of children held within a British immigration detention centre: A pilot study' *Child Abuse and Neglect* 33:9 pp 573-585; Mares, S. and Jureidini, J. (2004) 'Psychiatric assessment of children and families in immigration detention – clinical, administrative and ethical issues' *Australian and New Zealand Journal of Public Health* 28:6 pp520-526

² Centre for Social Justice (2008) *Asylum Matters: Restoring trust in the UK asylum system*

³ Home Office (2010) *Control of Immigration: Quarterly Statistical Summary, UK October-December 2009*

In May this year, the High Court ordered the UKBA to stop removing migrants from the UK with no notice, after individuals were denied access to justice in the process.⁴ However, despite this ruling, the UKBA are planning to carry out 'surprise' removals, whereby families are given notice that they will be removed from the UK after 72 hours and within the next 21 days, but not told when this will happen. In practice, this will mean that there will be very serious barriers to families accessing legal representation, and the uncertainty of their situation is likely to cause considerable distress to families.

Accommodation Centres

From December, the UKBA will be opening an accommodation centre in Croydon where families will be provided with bed and board support, and issued with directions for their removal from the UK. If families who are currently receiving asylum support refuse to move to this accommodation they will be made destitute.

BID and The Children's Society are concerned that this move will cause unnecessary distress and disruption to families, and could replicate some of the harm caused to children by detention. The UKBA previously ran an alternative to detention pilot, which required families to move to an accommodation centre in Millbank, Kent, or face being made destitute, in 2007-8. Only one of the families involved in this pilot returned voluntarily to their country of origin, and there was some evidence that the pilot decreased the likelihood of families complying with the immigration authorities.⁵ More worryingly, families reported feeling 'coerced and frightened' and our independent evaluation found that there was a 'climate of fear' in the centre.⁶

There are inadequate safeguards in place to ensure children's welfare in the Croydon pilot. For example, the UKBA's plans for the pilots do not include any processes to monitor the health and welfare of children in this accommodation centre, where they could be kept for up to 28 days. This is particularly concerning given that the Home Office have reported to us that there have already been serious self-harm issues amongst some families on this current pilot.

Recommendations

- The detention of children should end immediately, while the Government makes much needed changes to the asylum/immigration system to minimise the numbers of families who are subject to forcible removal.
- Families should never be removed from the UK without being given notice of the date of their removal.
- Adequate safeguards should be introduced for any alternatives to detention which are implemented. If families are to be kept in accommodation centres, there should be a time limit of 72 hours on this.

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⁴ [2010] EWHC 1425 (Admin)

⁵ *Hansard*, HC 2 Jun 2009: Column 217; Cranfield, A. (2009) Review of the Alternative to Detention (A2D) Project, London: Tribal

⁶ Nandy, L. (2009) An evaluative report on the Millbank Alternative to Detention Pilot London: The Children's Society and Bail for Immigration Detainees