



OutCry! party conference briefing on children and immigration detention – September 2009

'What sort of country sends a dozen uniformed officers to haul innocent sleeping children out of their beds; gives them just a few minutes to pack what belongings they can grab; pushes them into stinking caged vans; drives them for hours while refusing them the chance to go to the lavatory so that they wet themselves and locks them up sometimes for weeks or months without the prospect of release and without adequate health services? My country, apparently.'

- Mark Easton, the BBC's home affairs editor, 27 April 2009

Why are children detained?

Every year around 1,000 children in the UK are detained for the purposes of immigration control. Children subject to immigration control can be detained on exactly the same basis as adults. Most are the sons and daughters of asylum seekers or migrants and detained with their families. The government justifies their detention by arguing that they would abscond if released or that their removal from the country is imminent. They are among the only children in this country who can be locked up indefinitely without the automatic oversight of the courts and without having committed any crime.

The government has faced mounting criticism of its policy to detain children, including from the UN Committee on the Rights of the Child, the Children's Commissioner for England, the UK Parliamentary Joint Committee on Human Rights, Her Majesty's Chief Inspector of Prisons, the Council of Europe's Commissioner for Human Rights, charities, parliamentarians and medical practitioners.

In 2008 the government removed its immigration opt-out to the UN Convention on the Rights of the Child and committed to introducing a duty on the UK Border Agency equivalent to section 11 of the Children Act 2004 which requires it to safeguard and promote the welfare of children. Both steps are welcomed. But until these commitments lead the government to accept that the detention of children in itself is incompatible with the promotion of their welfare, we believe that the continued detention of children in the UK is contrary to the government's human rights obligations towards this group of children.

Key facts about the immigration detention of children

- In the first six months of 2009, 470 children were held in immigration detention.¹
- Over 70% are from families who have sought sanctuary in the UK by claiming asylum. This includes children from countries such as Zimbabwe, Somalia, Sudan and Sri Lanka² who

¹ Home Office, Control of Immigration: Quarterly Statistical Summary (April-June 2009), 27/08/09

were detained at a time when either the Home Office was not enforcing returns to those countries or when those countries were widely recognised to be in conflict.

- Children detained with their families are held in one of three immigration detention centres: Dungavel House in Lanarkshire, Tinsley House near Gatwick Airport and Yarl's Wood, the largest of the three centres, near Bedford.
- According to latest official figures 29% of children are detained for over a month,³ contrary to Home Office policy that children are only detained for the shortest possible time.
- 85% of children held in immigration detention are under 11 years old.⁴ Many children have been in the UK for significant periods of time before they are taken into detention – one girl was in the UK for six years before being detained at Yarl's Wood for three months. Many other children in detention were born in the UK and know no other home.
- Over 50% of children in detention go on to be released.⁵ Their detention is unnecessary, damages their mental and physical health and wastes taxpayers' money.
- Despite the government's Every Child Matters agenda, the government department responsible for the welfare of these children is not the child-centred Department for Children, Schools and Families, but the immigration-focused UK Border Agency.

Key concerns about the immigration detention of children

- **Detention is inhumane and damaging**

The impact of detention on children can be devastating. Taken from their communities, with little understanding of what they have done to deserve being locked up, detention can significantly impair a child's mental and physical health. This is also the view of the Children's Commissioner for England who, in his 2009 report on Yarl's Wood, concluded that 'detention is harmful to children's health and well-being'. In February 2009 a family were awarded £150,000 compensation after the government admitted their detention had been unlawful and had left one of the children suffering from post-traumatic stress disorder. The impact of detention on children is often compounded by the difficulties families face in accessing adequate health care while in a detention centre.

- **Detention is not used as a last resort or for the shortest possible time**

There is no time limit on the detention of children but government policy says that immigration 'detention must be used sparingly, and for the shortest period necessary'. However, Home Office figures show that one out of three detained children has been held for more than one month. This figure reflects our own experience – of the 79 detained families supported by BID between August 2008 and July 2009 the average length of detention was six weeks. In 2008 the UN Committee on the Rights of the Child concluded that the UK government should 'intensify its efforts to ensure that detention of asylum-seeking and migrant children is always used as a measure of last resort and for the shortest appropriate period of time, in compliance with article 37(b) of the Convention.'

- **Detention is unnecessary**

The government's use of detention is wholly disproportionate. There is no evidence that families are systematically at risk of absconding if they are not detained. The education and health needs of children, friendship ties and the desire to be granted status in the UK all work against families 'disappearing'. Contrary to government policy some families are detained when they have barriers that would stop them being removed from the UK, such as ongoing legal cases or no travel documents. Others are maintaining contact with the immigration authorities and there is no reason to suggest they would stop reporting regularly, yet they too are taken into detention. Over half of all children in detention go on to be released back to their communities in the UK.

² Based on figures for the first and second quarters of 2009 taken from Home Office, Control of Immigration: Quarterly Statistical Summary (April-June 2009), 27/08/09

³ Based on snapshot figures for 30/06/09 from Home Office, Control of Immigration: Quarterly Statistical Summary (April-June 2009), 27/08/09

⁴ Based on figures for the second quarter of 2009 from Home Office, Control of Immigration: Quarterly Statistical Summary (April-June 2009), 27/08/09

⁵ Based on figures for the second quarter of 2009 from Home Office, Control of Immigration: Quarterly Statistical Summary (April-June 2009), 27/08/09

- **Alternatives to detention are used in other countries, are more effective and less expensive**

Detaining children is an enormous waste of taxpayers' money – it costs £130 a day to keep a child in immigration detention. That is over £20,000 to keep a family of four in detention for six weeks. International experience - including from Sweden and Australia – demonstrates that when properly conceived and well implemented, alternatives to detention can work for families as well as governments. Evidence shows that if families are supported in a transparent way throughout the asylum process, they understand what is happening to them, feel more confident that they have been given a fair hearing and are better able to make informed decisions about their future. The government is currently running a small alternative to detention pilot for families in Glasgow. It is vital that this pilot is informed by lessons from overseas and from the government's previous pilot at Millbank in Kent which ended in summer 2008.

Case studies about the immigration detention of children

Family A

Helen and her British-born son have twice been detained:

'The first time we went into detention, my son was a baby, and he didn't really know what was happening. But the second time, he was over a year, and it was telling on him. He wasn't sleeping. It's not only him, all the children in detention, they don't sleep. At 2am, 3am, 4am in the morning they are up running. As their parents don't sleep, they don't sleep. So it really did affect him, because he was a very happy child, but when we left detention this second time he just started withdrawing. Before, he was not the kind of child that was clinging onto me too much, he loved going to other people. But when we left this second time, when I am holding him and somebody comes to take him, you know, he becomes withdrawn and he becomes aggressive. He wasn't eating, he was that thin. I could take him to the dining room to eat, but he didn't want most of the food. So, almost on a daily basis, I had to end up buying him the noodles from the canteen that he would eat. If you go and complain, that's your problem.'

Family B

Jenna's family including her infant daughter and seven year old sister were detained for over five weeks:

'Yarl's Wood was like a prison, it was really like a prison. It was like 'oh my God, we are going to be detained in prison'. There were security guards everywhere, and the children wanted to go outside. For them to stay in the room, lock the door when we enter a room, it was like a prison. And my daughter - she is smaller than my younger sister – even they know and they were asking 'is this a prison?' They were asking like that, because the security guards they were around the building and walking all the time. They asked so many questions without a break, and the children were hungry and after asking them many times, after they had taken all the records, they gave us the drink of water. And they were asking questions of the children 'what's your name?' Things like that.'

What is the OutCry! campaign?

The Children's Society and Bail for Immigration Detainees (BID), funded by the Diana, Princess of Wales Memorial Fund, are campaigning under the banner OutCry! to end the immigration detention of children. We believe that the detention of children is damaging, unnecessary and expensive and that alternatives to detention should be used instead. Visit www.outcrycampaign.org.uk

Further information about children and immigration detention

11 Million, [The Arrest and Detention of Children Subject to Immigration Control: A report following the Children's Commissioner for England's visit to Yarl's Wood Immigration Removal Centre](#), April 2009

All Party Parliamentary Groups on Children and Refugees, [Alternatives to immigration detention of families and children](#), July 2006

Bail for Immigration Detainees, [Obstacles to accountability: challenging the immigration detention of families](#), June 2007

HM Chief Inspector of Prisons, [Report on an unannounced short follow-up inspection of Yarl's Wood Immigration Removal Centre](#), 4 – 8 February 2008

Save the Children, [No Place for a Child - Children in UK immigration detention: impacts, alternatives and safeguards](#), 2005

The Children's Society and Bail for Immigration Detainees, [An evaluative report on the Millbank Alternative to Detention Pilot](#), May 2009

UN Committee on the Rights of the Child, [Concluding Observations United Kingdom of Great Britain and Northern Ireland](#), 20 October 2008

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The Children's Society Charity Registration Number 221124

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