

BID INFORMATION SHEET : CHILDREN IN DETENTION

Children in asylum seeking families: Included in detention centres, excluded from education

- Children in asylum seeking families can be made subject to the detention of one or both of their parents. They can be held for indefinite period in a 'removal centre' (Until 2002, removal centres were named detention centres).
- There are currently 150 family spaces in the detention estate, distributed between Harmondsworth (west London), Dungavel (Scotland) and Tinsley House (nr. Gatwick airport). (These figures do not include family spaces at Oakington).
- The Government estimate that thirty or forty families may be detained at any one time (House of Lords, October 10, 2002 at Column 435), but refuse to disclose any statistics as to the numbers detained over a period of time, the length of detention and the status of their asylum case. There is no statutory limit on detention, nor any special criteria outlining the circumstances in which children may be detained (such as those which exist for 'vulnerable' groups such as pregnant women or the mentally ill). Prior to October 2001, the policy regarding families was that detention should be "*as close to removal as possible so as to ensure that families are not normally detained for more than a few days*" (White Paper, *Fairer, Faster, Firmer*, 1998). The change in policy announced by letter in October 2001, lead to the pronouncement in the 2002 White Paper that families may be detained "*for longer periods than immediately prior to removal*".
- BID's recent experience is that families are now being detained for lengthy periods. A volunteer at BID carried out a small survey which BID hopes to publish shortly. This survey interviewed a total of 9 families- four detained families, three ex-detained families and two non-detained families. The work uncovered a series of extremely worrying aspects:
 - Very lengthy periods of detention of families with young children who had
 - a) been settled in the UK for considerable periods of time, some with children born here
 - b) always complied with the Immigration Service, reporting as required
 - Lengths of detention of 161 days, 111 days, 87 days and 81 days.
 - Inadequate healthcare and treatment
 - Damaging physical and emotional consequences of detention including
 - a child of five months missing key vaccinations
 - severe mouth infection and weight loss (which took 6 months to regain on release)
 - listlessness, boredom, sleeping trouble, frightened etc.
 - Little access to legal advice
 - Violent treatment both in the process of being detained and in the process of attempted removals

- Frequent moves around the detention estate
- *Ad hoc*, inadequate education provision- more along the lines of ‘activities’ than proper learning
- Release on bail or TA after long periods, i.e. long periods were spent detained for no reason. In several cases, there had been poor quality representation that meant that removal was looming despite the fact that statutory rights of appeal remained. Several of the families weren’t removed, because with appropriate help, they were able to access advice enabling them to exercise these rights.

- There is international consensus that children seeking asylum should not be detained. The UNHCR Guidelines on Refugee Children states in its preamble (page 37):

“Refugee children are children first and foremost, and as children, they need special attention.”

“It is UNHCR's policy that refugee children should not be detained.”

- The children who are to be placed in detention centres will have broken no laws whether criminal or civil (with the exception of perhaps immigration offences). Their only “crime” will be that they and/ or their family members have claimed asylum or otherwise sought to remain in the UK. Yet it is now the intention and policy of the Government to detain them with one or more of their parents for an indefinite period of time, where it appears necessary to do so.

BID call for:

1. **an immediate end to the policy of detaining children and**
2. **an immediate end to the UK’s reservation from the UN Convention on the Rights of the Child, which excludes refugee children from the protection of the Convention.**

Case Study:

Family B: Detained for 111 days – released on bail and reporting regularly

A mother and two daughters (one born in the UK) were detained for 111 days when the daughters were aged 6 years and 18 months.

Mother: [In Tinsley House, where they were held for two weeks] *Just my children has [been able] to go out, an hour a day. It was a fixed time, like half an hour, an hour, after lunch. Used to be looked over by officer. In Harmondsworth it was better than Tinsley, they had school and things, but like just to pass the time – they didn’t learn anything, they had a play room... The older one was really upset, she was saying every day, ‘I want to go to school, let me out of here...’ She had problem with her mouth. If you see her mouth at that time, she had spots inside, with water: infection. The doctors, the officers there, they have seen her but they can’t do nothing. They just been waiting see what happen with my case. ...And she was 30 kilos before detention centre, and when I got out from detention centre she was 21 kilos. Actually she was suffering so much from detention centre. [My younger daughter] was a little bit better, because she didn’t understand a lot – she just was asking for milk and things like that, you know. She was not eating too much then, just drinking milk. I used to tell them, I can’t sleep, I have high blood pressure, headache, stress...*

The family was finally released on adjudicator's bail and have since reported regularly, as required by the court. The elder daughter missed two terms of school, and took six months to regain the weight she lost in detention.

For more information on children in detention please contact Sarah Cutler, Policy and Research Officer, Bail for Immigration Detainees, 020 7247 3590 / bailforimmigrationdetainees@yahoo.co.uk

See also:

**How does it feel to be a child in a detention centre?
by Ann Treneman, The Times, 6/11/02**

**Worlds apart: Is it right for asylum-seeking children to be taken out of school and taught in detention centres?
by Diane Taylor, The Guardian, 7/1/03**