

Detention of families in the UK: an update

Families continue to be detained without protection against prolonged, arbitrary and unnecessary detention.

Bail for Immigration Detainees November 2003

Children of asylum seekers and migrants can be held in immigration detention with their parent(s) under Immigration Act powers. There is no time limit on detention and families may be detained at any stage of their case to remain in the UK. The decision to detain rests with an immigration officer and is not subject to automatic, independent review. There are around 1600 people in detention at any one time.¹ There are no figures routinely published by the government which show how many children have been detained.

There are currently three centres used for detaining families. There are around 60 family beds at Dungavel in Scotland, five family rooms at Tinsley House near Gatwick airport, and 42 family rooms at Oakington in Cambridgeshire.² The government have stated that they intend to open further family detention space at Yarl's Wood near Bedford³ and Harmondsworth near Heathrow.⁴

Bail for Immigration Detainees (BID) is a small charity that works with asylum seekers and migrants to help them get out of detention. Since the policy was changed in October 2001 to allow for long-term detention⁵ of families, BID have obtained release for a number of detained families. We have also published research and briefings on the issue, in particular, calling for an end to the use of detention for families.

The purpose of this briefing paper is to present information about the families that BID have represented in 2003. BID's information is based only on those families who contact us for help. We remain frustrated that there are no official figures published by the government.

Detained families represented by BID between February and November 2003

Between 01 February and 30 November 2003, Bail for Immigration Detainees was contacted by 15 detained families (with children under 16) asking for help with release from detention.

} **Age of children:** the age of children ranged from 4 months old to 16 year olds.

} **Duration of detention:** Periods ranged from 7 days (shortest) to 116 days (longest and ongoing).

¹ IND statistics for third quarter 2003 (27 Sept 2003) record 1575 people detained under Immigration Act powers.

² These figures are taken from the HMIP inspection reports and may not reflect the current family capacity at Oakington which is now also used as an 'overspill' facility for families.

³ Hansard Friday 7th February 2003, Beverley Hughes MP: "...We are working towards opening the centre in late April or early May to house single females, and later families, both asylum and non-asylum cases."

⁴ Families were detained at Harmondsworth until mid-2003 when the accommodation was closed for building work.

⁵ Prior to this date, the policy on family detention allowed only for a period of a few days. For further information, see *A Few Families Too Many*, published by BID in March 2003. This report can be downloaded from our website at www.biduk.org

} **Place of detention:** Families were detained in Harmondsworth, Dungavel, Tinsley and Oakington.

} **Outcome of detention:** in 3 cases, detention resulted in removal. In 1 case the family remain detained at date of writing, in 8 cases families were released on Temporary Admission and in 3 cases were bailed (in two cases by BID, in one by solicitors).

} **Medical/psychological issues:** Children's medical complaints included eczema, anaemia, headaches, nosebleeds, lack of appetite, asthma, trouble sleeping. Several parents reported depression, one had attempted suicide in detention, 3 were on anti-depressant medication, two mothers had been raped in their country of origin.

} **Nationalities:** Countries of origin included Sierra Leone, Ugandan, Angolan, Polish, Algerian, Kenyan, Kosovan, Albanian, Iraqi Kurd, Jamaican, Congolese and Lithuanian.

In BID's experience of working with detained families it is clear that

- Children suffer mental and physical harm as a direct result of being detained
- Detention may be maintained for long periods and may include several moves between centres
- Detention is employed for families who have always maintained contact with the immigration authorities (i.e. have not absconded)
- Detention often does not result in removal
- Families may be detained when they still have outstanding matters on their cases (BID know of two families who have won their case to stay in the UK following their eventual release from detention)
- Many families have no legal representation or have been subject to very poor quality representation
- Families have great difficulty in accessing an independent review of their detention by way of a bail application

In particular, we are concerned that proposed 'financial thresholds' on legal aid for asylum seekers will make it even more difficult for detained families to access legal advice and representation, and to challenge their detention.

The current government policy remains as stated in the February 2002 white paper; that families may be detained "...for longer periods than immediately prior to removal."

The most comprehensive assessment of the impact of this policy has been undertaken by HM Inspectorate of Prisons (HMIP). HMIP carried out inspections of five immigration removal centres⁶ in February and March 2002, followed by the remaining two in September and October of 2002. They concluded that "...the detention of children should be an exceptional course, and only for a very short period – no more than a matter of days. We also believe that the guiding principles that underlie international and domestic law on children should be brought into decisions to detain, and to continue to detain, children and families."⁷

⁶ Detention centres were renamed removal centres by the 2002 NIA Act.

⁷ HMIP report on Dungavel, published August 2003, p 45

In March 2003, BID published a report of a very small study into the experiences of detained families, *A Few Families too Many*, by Emma Cole. The report was based on interviews with nine families, seven of whom had been detained. The study found that detention was for long periods and resulted in physical and mental harm to the children concerned.⁸

Despite the work of HMIP and vigorous campaigns to end detention of children, BID's experience of working with detained families in 2003 gives rise to concerns similar to those identified by the research *A Few Families too Many*. This would suggest that there has been no improvement for families since the criticisms by the Chief Inspector of Prisons.

Ministers have made some assurances that have acknowledged concerns about detention of children, and have made some comments about seeking to explore alternatives, emphasising that the policy is to detain only where necessary and only for short periods.⁹ However, there has been no reversal of the policy and families continue to be detained without meaningful safeguards to protect against prolonged, arbitrary and unnecessary detention.

Conclusion

The UK government are failing to uphold internationally recognised human rights standards in relation to detention, in particular, the UN Convention on the Rights of the Child, the European Convention on Human Rights and the UN Guidelines on Detention of Asylum Seekers.

These standards demand that detention is subject to a statutory maximum duration; is subject to prompt, automatic and regular review and that all alternatives are considered before detention is used.

BID call on the government to stop detaining families.

Children's rights and welfare must be the first priority, above the objective of immigration control.

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Copies of all BID publications are available as PDF files on our website at www.biduk.org

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⁸ Available on BID website at www.biduk.org

⁹ For example, Beverly Hughes MP, Minister, stated on 8 May 2003 that detention "...will always be for as short a time as possible and for no longer than is necessary...Most families who are detained...go on to be removed."

FAMILY REF No.	Family members & children's ages	Days Detention November 2003	Outcome of detention
A	Mother Daughter (11 month old)	50 days	Bailed by BID
B	Mother Son (13 yr old) Daughter (18 month old) Daughter (14 yr old)	39 days	Bail by BID
C	Father Mother Son (9 month old)	49 days	Bailed by solicitors
D	Father Mother Son (16 yr old)	31 days	Released on TA
E	Father Son (16 yr old)	82 days	Released on TA
F	Mother Son (12 yr old) Son (8 yr old) Son (4 month old)	100 days	Released on TA
G	Mother (pregnant) Daughter (16 months old)	75 days	Released on TA
H	Father Mother (pregnant) Daughter (6 yr old)	24 days	Released on TA
I	Father Mother Daughter (5yr old)	22 days	Removed
J	Father Daughter (16 yr old) Son (17 yr old)	95 days	Removed
K	Mother Son (9 yr old) Son (1yr old) Daughter (5 yr old)	37 days	Released on TA
L	Mother Son (5 month old)	116 days	Released on TA
M	Mother Son (8 yr old) Daughter (6 yr old) Daughter (1 yr old)	17 days	Released on TA
N	Mother Daughter (11 yr old)	7 days	Removed
O	Mother Son (8 yr old)	116 days	Still detained