

PRESS RELEASE

16th July 2002

For immediate use

New Government policy on use of immigration detention for children is without basis and a violation of children's rights.

Prime Minister Tony Blair was today called upon to urgently review the use of immigration detention for children by a leading charity working with detainees.

The call comes shortly after it was revealed in a letter to Bail for Immigration Detainees (BID) that a policy to detain families with children for longer periods was a Ministerial one, and was not based on evidence that families abscond.

Commenting, Tim Baster, BID's coordinator, said

"It is completely unacceptable for this Government to victimise asylum seeking children for political gain.

This decision has been made by a Minister without evidence to show that families lose contact with the authorities and need to be detained. To subject children to unlimited periods of detention causes suffering and harm and violates the rights of those children.

It is difficult to comprehend why the detention of families, even for a few days, which in the Government's own words was 'particularly regrettable' in 1998, has now become acceptable for longer periods of time without any evidence that this is necessary in order to maintain immigration control.

The law requires any interference in a qualified human right to be '*no more than is necessary to accomplish the objective*' – in this case that of immigration control. It appears that, for political gain, the Minister has instituted a policy of detaining families for prolonged periods of time without any evidence that families fail to keep in contact with the authorities."

No statistics are published as to how many families are detained or at what stage of their asylum claim. But BID are deeply concerned that the consequence of this new policy is that families with children are being detained for prolonged periods of time. In a recent case a family with two children under two years old were detained for four months even though there was no imminent prospect of removal and the family had always kept in contact with the Immigration Service.

The Nationality, Immigration and Asylum Bill currently passing through the House of Lords will repeal automatic bail hearings for detainees, legislated for in 1999 but never implemented. This will leave families without prompt and guaranteed access to an independent body to review their detention, and makes children even more vulnerable.

BID have urged the Government to immediately rescind the policy change which was first announced in October 2001.

ENDS

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Notes to Editors

1. BID is a small independent charity that prepares and presents bail applications on behalf of those detained under Immigration Act powers. In 2001 it was awarded the Liberty/Justice Human Rights Award.
2. In a letter to BID from the Assistant Director of the Detention Services Policy Unit, Simon Barrettt, on 18th June 2002, it was stated

'I can confirm that the decision to change the detention criteria in terms of families was indeed a Ministerial one. It was not derived from statistical evidence but rather was based on the recognition that in some cases families would give rise to similar concerns that might be encountered in relation to single adults and that, accordingly there would be occasions when it would be appropriate to detain families for longer periods and at other points in the process than simply a few days immediately prior to removal.'

3. BID have written to the Prime Minister, Tony Blair, in an open letter published on 16th July 2002. (Copy attached).
4. The Nationality, Immigration and Asylum Bill is currently in Committee stage in the House of Lords. An amendment has been tabled by Liberal Democrat peers to prevent the detention of children which is due to be considered tomorrow (Wednesday 17th July).

Bail for Immigration Detainees
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