

# PRESS RELEASE

10<sup>th</sup> April 2003

*For immediate use*

Children in families have been detained in 'removal centres' for as long as 160 days and have suffered serious harm as a result, details a report published today by charity, Bail for Immigration Detainees (BID).

*'A Few Families too Many: The detention of asylum-seeking families in the UK'*, details the findings of an independent study, based on interviews with nine families about their experiences and perceptions of immigration detention in the UK.

"The families I interviewed made clear that their children suffered physical, mental and social harm as a direct result of being detained. The traumatic experiences described by the families must be considered in light of the fact that the Immigration Service does not have information to prove, firstly, that the detention of families is necessary, and secondly, that the power to detain families is not being abused," said researcher, Emma Cole.

The report findings demonstrate the urgent need for the government to heed this week's recommendation by HM Inspectorate of Prisons that *"the detention of children should be avoided wherever possible, and only take place for the shortest possible time, in no case more than seven days."*<sup>1</sup>

Commenting, Sarah Cutler, BID's Policy and Research Officer, said

"The government's response so far to the issue of child detention has been dangerously complacent and inadequate. It is simply not enough to say that child detention is "regrettable" but "essential"<sup>2</sup>. In our report, in no case had any family attempted to abscond or failed to comply with immigration service conditions. As one family commented, "How could you run away with kids?"

The power of the immigration authorities to use their "discretion"<sup>3</sup> to detain children for indefinite periods led to prolonged periods of detention in several cases; detention which did not result in removal. In no case did it appear that alternatives to detention, such as reporting restrictions, had been considered."

BID's report also criticises the way in which the policy on families was introduced, as the decision was made by a Minister without evidence to show that families lose contact with the authorities and need to be detained (see note 6).

"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," said Sarah Cutler.

In addition to calling for a change in policy, the research also recommends that statistics are published as to how many families are detained and at what stage of their asylum claim. Currently, no statistics are routinely published, making it impossible for the policy to be monitored.

**ENDS**

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<sup>1</sup> Her Majesty's Inspectorate of Prisons published reports into five Immigration Removal Centres on 8<sup>th</sup> April 2003

<sup>2</sup> Home Office Minister, Beverly Hughes MP, HO Press release 8/4/03 Ref: 106/2003

<sup>3</sup> Lord Bassam, HoL Deb, 17 Jul 2002, C 1243

## 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. The research is based primarily on nine interviews of an average length of 2½ hours, conducted between July and September 2002. The study was conducted independently, but with the co-operation and support of Bail for Immigration Detainees (BID). BID has published this report because it is opposed to the detention of children. In addition, BID is keen to challenge the lack of research commissioned and used by the Home Office as a basis for detention policies.
3. Children in asylum seeking families can be made subject to the detention of one or both of their parents. They can be held for an indefinite period in a 'removal centre'. (Until 2002, removal centres were named detention centres).
4. There are currently around 150 family beds 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 reports of the Inspectorate of Prisons into Harmondsworth and Dungavel have not yet been published.
5. The Government estimates that thirty or forty families may be detained at any one time (House of Lords, October 10, 2002, C 435), but does not disclose any statistics as to the numbers detained over a period of time, the length of detention and the status of their asylum cases. 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).
6. 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, led to the pronouncement in the 2002 White Paper that families may be detained "*for longer periods than immediately prior to removal*". In a letter to BID from the Assistant Director of the Detention Services Policy Unit, Simon Barrett, on 18<sup>th</sup> 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.*"
7. There is international consensus, enshrined in the 1989 United Nations Convention on the Rights of the Child, 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."*

Bail for Immigration Detainees

Winner of the Liberty/Justice Human Rights Award 2001

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Registered address; 28 Commercial St., London E1 6LS

Registered Charity No. 1077187. Exempted by the OISC. Ref. No. 200100147