

Peers to push for new safeguards for detained asylum seeker children

Peers are seeking to put measures in place that would provide some protection for asylum seeker and migrant children detained in removal centres.

An amendment to the Asylum and Immigration Bill would set up a mechanism for an independent assessment of a child's welfare and educational needs after seven days of detention.

The issue will be debated and voted upon on tomorrow (Tuesday 18th May) If successful, the move would force the government to comply with the recommendations of HM Inspectorate of Prisons. HMIP have called for an independent assessment of a detained child's welfare, developmental and educational needs *"as soon as practicable after detention and repeated at regular intervals thereafter"*¹. HMIP's damning reports of inspections into immigration removal centres in 2002 also recommended that children shouldn't be locked up for more than a few days.

When the reports were published, the Government agreed to look into the issue of assessments. But as yet, they have failed to take any concrete action. During debate on 27 April 2004, the Government dismissed calls for an assessment of children, saying that it would be *"an additional layer of bureaucracy"* and questioning whether a system of assessments was *"necessary or workable"*.

The need for an independent assessment of children was highlighted when new statistics disclosed by the Government showed that 134 children were removed or released from detention during March 2004². It also emerged that 95 families were taken into detention during that month.

"It is difficult to assess how many children are affected by detention, because the Government have failed to publish regular figures. But if the figures from March are representative, there are a high number of children who are being detained," said Sarah Cutler, BID Policy Officer.

"Families we have worked with in the past six months have been detained for long periods- 129 days, 143 days and 165 days. All the evidence we have available shows that children suffer in detention, and that their needs and rights are being sacrificed in the name of immigration control. Children of school age are held at Oakington for long periods, despite the fact that there are no education facilities at the centre.

It has taken over two years just to convince Ministers that they need to publish statistics about the numbers detained. Are we going to have to wait that long for them to set up a process of assessments? The government should not be allowed to drag their heels over putting the most basic of safeguards in place."

"We share the view of the United Nations, that children should not be detained. Yet, while the policy remains in place, we think it is vital that there are some safeguards. The assessment would provide the evidence on which to challenge continuing detention."

ENDS

¹ See 'Notes to Editors' 4

² House of Lords debate, Baroness Scotland, 27 April 2004, Column 714

Notes to Editors

1. The Asylum and Immigration Bill 2003 does not refer to child detention, but amendments are being tabled to reflect the need to address the issue. The amendment was printed on 12 May and was tabled by Lord McNally and Lord Avebury.
2. The amendment is supported by the Refugee Children's Consortium.³
3. In the House of Lords on 27th April 2004, Baroness Scotland disclosed that; "*At Dungavel, as at 26 April, we have six families and 10 children, with four of school age. At Oakington, currently, we have 11 families and 14 children, with six of school age. That is a total of 17 families and 24 children, with 10 of school age. As regards detention of families, between 27 February and 25 March 2004, 95 families were taken into detention. Of 99 other families, 69 families were removed and 30 were released. There have been 134 children removed or released. The average time that those 134 children spent in detention was 9.8 days.*" (House of Lords Official Report, Hansard Vol. 660, No.74, Tuesday 27 April, Col.714)¹
4. The quarterly asylum statistics published by IND now include a snapshot on the number of children detained on a given day- see Asylum Statistics for 4th Quarter of 2003, which showed 10 children were detained on 27 December 2003.
5. In her report of an Inspection of Dungavel Immigration Removal Centre carried out in August 2003, HM Chief Inspector of Prisons stated that "*We therefore believe that there should be an independent assessment of the welfare, developmental and educational needs of each detained child, guided by the principles set out in international and UK domestic law in relation to children. This should be carried out, to advise on the compatibility of detention with the welfare of the child, and to inform decisions on detention and continued detention.*" October 2003, HMIP report on Dungavel, p 45
6. The requirement that any child detention over 28 days be authorised by the Minister, announced by the Home Office in December 2003⁴, has failed to address concerns as this change provides no independent scrutiny of the actions of the Immigration Service.
7. 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). Families are often detained for longest in Dungavel but are also held at Tinsley House, near Gatwick and Oakington Reception Centre in Cambridgeshire.
8. 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."

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. A summary of BID's casework with detained families from February – November 2003 and an update in May 2004 can be downloaded at our website at www.biduk.org

Bail for Immigration Detainees

³ Members of the Refugee Children's Consortium are: The Asphaelia Project, AVID (Association of Visitors to Immigration Detainees), Association of London Somali Organisations, Bail for Immigration Detainees, Barnardo's, British Agencies for Adoption and Fostering (BAAF), Children's Legal Centre, Child Poverty Action Group, Children's Rights Alliance for England, The Children's Society, FSU, The Immigration Law Practitioners' Association (ILPA), The Medical Foundation for the Care of Victims of Torture, NCB, NCH, NSPCC, Redbridge Refugee Forum, Refugee Arrivals Project, Scottish Refugee Council and Save The Children UK. The British Red Cross, UNICEF UK and UNHCR all have observer status.

⁴ See Home Office Stat054/2003 'Government welcomes select committee support for new measures on asylum', 16 Dec 03 for full text of Home Office announcement.

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