

Detained refugee children will be hit by legal aid cuts, detention charity warns.

Bail for Immigration Detainees (BID) today called on the government to halt the controversial policy of detaining families, arguing that the proposed cuts to legal aid to be introduced in March 2004 will further restrict family's ability to challenge their detention.

BID, who have represented 15 detained families in applications for release from detention since February 2003, have condemned the government's refusal to end family detention in spite of growing evidence that it harms children.

Figures collected by BID show that periods of detention remain way above the maximum of 'a few days' recommended by HM Inspectorate of Prisons in their critical reports. In recent BID cases, detention ranged from 7 days to 116 days, with children as young as four months locked up.

"Amongst families we have worked with this year, children's medical complaints have included eczema, anaemia, headaches, nosebleeds, lack of appetite, asthma and trouble sleeping. Several parents reported depression, one had attempted suicide in detention, three were on anti-depressant medication, two mothers had been raped in their country of origin and were still suffering from this torture," said Sarah Cutler, policy officer.

"The government argue that most families go on to be removed, but in only 3 of our cases did detention result in removal. In 8 cases families were released on temporary admission and in 3 cases were bailed. The fact that when detention was challenged, these families were released shows that these children suffered needlessly."

BID is a small charity that works for free to obtain release for detainees who have no legal representation at all, or have very poor quality representation. The charity is very worried about the impact on detained families of proposed changes to legal aid.

"Under the current system, families have to come to us because they have no-one else to help them get out of detention. If the government go ahead with the cuts to legal aid, we expect the problem to get dramatically worse. There will be even fewer good legal representatives to force the Home Office to justify detaining these children" said Sarah Cutler.

BID also again demanded publication of statistics showing the numbers detained, for how long and with what outcome.

"The government are still refusing to publish information, yet we have been told repeatedly by officials that figures are collected – the most recent figure we were given was that 81 children are currently locked up. If the government are so confident that their position is justifiable, why won't they make the evidence public?"

The detention capacity for families is due to increase next year with the reopening of family accommodation at Harmondsworth near Heathrow. A family unit is also due to open at Yarl's Wood, near Bedford, where this week the daily Mirror exposed alleged racist and violent behaviour¹.

ENDS

¹ Daily Mirror, December 8th 2003, Nick Sommerlad.

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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. A summary of BID's casework with detained families from February – November 2003 can be downloaded at our website at www.biduk.org
3. In March 2003, BID published research into detention of families- *A Few Families too Many* by Emma Cole – see www.biduk.org/pdf/children/a_few_families_too_many_march_03.pdf or www.biduk.org/news.htm
4. Families are detained for longest in Dungavel but are also held at Tinsley House, near Gatwick and Oakington Reception Centre in Cambridgeshire. The government plans to extend the use of Yarl's Wood centre in Bedfordshire to families – it is currently used for single women.
5. 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).
6. 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).
7. 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*".
8. Changes to publicly funded asylum and immigration advice and representation proposed by the Department for Constitutional Affairs (DCA) and the Legal Services Commission (LSC) impose a 'financial threshold' equivalent to five hours of legal aid for an asylum application. Extensions will only be granted by the LSC in exceptional cases.
9. 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

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