

For immediate use

Targeting asylum families for removal is leading to unnecessary detention

Families do not need to be detained and are being targeted for removal, leading detention charity, Bail for Immigration Detainees (BID) said today.

Responding to comments made on Wednesday in the Scottish parliament that detaining children was 'something which of necessity cannot be avoided', BID has called on the government to halt detention of families.

"We are approaching the two year anniversary of a change in government policy to allow for indefinite detention of children. This change was a ministerial decision and neither parliament nor the public have been presented with any evidence that families abscond, and that the current detention policy is proportionate or necessary" said Sarah Cutler, Policy Officer.

"UN guidelines urge states to consider all alternatives before resorting to detention, and more humane, cheaper alternatives do exist, for example residence and reporting conditions."

BID also expressed concern that families are being targeted for removal, due to the government desire to increase asylum removals and reduce asylum spending.

A May 2003 memorandum from the union representing immigration staff, the Public and Commercial Services Union (PCS), to the Home Affairs Committee Inquiry into Asylum Removals states that:

*The media focus on failed asylum seekers and the resultant "government imperatives" has led to the removal of families being prioritised whilst offenders, sometimes violent criminals, remaining [sic] untouched. This ordering of business is largely a "business" decision, in that families deliver huge cost savings in asylum support, compared to the negligible savings from removing single males. Immigration Service staff are under pressure not to investigate non-asylum offenders... The enforcement arm of the department operates largely in a policy vacuum. No national policy is in existence for the newly formed arrest teams. **There has been an increase in family removal activity yet no national guidelines have yet been produced.** The pressure for instant results appears to subvert the normal rules of policy making and implementation.*

Internal Immigration Service documents seen by BID reveal a government target of removing 160 families a month. BID is concerned that this target is leading to attempts to remove families who shouldn't be removed, and is likely to be contributing to long periods of detention.

"The government would like the public to believe that all detained families are 'failed asylum seekers' and has stated that most families who are detained go on to be removed. However, there are no figures to show the status of detainee's cases or whether detained families go on to be removed. Of the 17 detained families assisted by BID between February and July this year, detention only resulted in removal in 4 cases. This is despite detention periods of between 20 and 100 days", said Sarah Cutler.

"Whatever the conditions inside detention centres, the fact remains that the people there are deprived of their liberty for indefinite periods for the administrative convenience of the UK government. There is no automatic independent scrutiny of the need to detain each family. Although everyone is entitled to apply for bail, many are not able to because they don't have a solicitor."

ENDS

Contact: Sarah Cutler, Policy and Research Officer, BID 020 7247 3590 (BID office) / 07870 643373 / sarah@biduk.org or Tim Baster, Coordinator.

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. 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
2. 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 use Yarl's Wood centre in Bedfordshire for single women and then families when it re-opens later this year.
3. The statement from the Public and Commercial Services Union can be found as an appendix to the Home Affairs Committee report on Asylum Removals, Vol 2, HC 654-II, 14 April 2003.
4. *"The Conservatives' deputy leader, Annabel Goldie, said that detaining children was "something which of necessity cannot be avoided".*" Dungavel schooling deal dashed, BBC News online, Thurs 11 Sept 03.
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"*. In a letter to BID from the Assistant Director of the Detention Services Policy Unit, Simon Barrett, 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."*
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."
9. The UNHCR's Guidelines on applicable Criteria and Standards relating to the detention of Asylum seekers (1999) state that *"Alternatives to the detention of an asylum seeker until status is determined should be considered"* and suggests options including reporting and residency requirements.

Bail for Immigration Detainees
Registered Charity No. 1077187. Exempted by the OISC. Ref. No. 200100147