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Oakington report shows urgent need for changes before expansion of family detention puts many more children at risk

The government's wide powers of immigration detention are endangering children and urgently need to be balanced by robust systems that place the child's needs at the heart of decisions about them, detention charity, Bail for Immigration Detainees (BID) said today.

A report about Oakington¹ published today by HM Inspectorate of Prisons demonstrates that the government are jeopardising the well being of asylum seeker and migrant children. BID have condemned the government's intention to expand the number of children detained by opening a new 286 bed family unit at Yarl's Wood at the end of this year.

"HMIP's report shows that increasing numbers of children are being locked up in an environment where they fail to thrive, where social services are slow to respond to concerns, and where older children in particular are not receiving a full education. On 24 occasions, staff opened 'cause for concern' forms.² Appropriate "skills and structures" are still not in place to ensure that the power to detain children is balanced by a requirement to consider the best interests of the children.

It is appalling that in the light of the clear concerns of independent inspectors, the government plan a massive boost to the number of children affected by detention by opening 286 family beds at Yarl's Wood" said Sarah Cutler, BID Policy Officer.

"We are still waiting for the system of welfare assessments at 21 days, promised in December 2003, to be put in place for all detained children, and continue to be denied meaningful statistics to allow the use of the policy to be monitored.³ There is still no evidence to prove that families abscond and therefore need to be detained, and it is still the case that families are locked up for long periods. No child should be locked up in this way and, in the light of this report, the government certainly should not be expanding the detention estate. "

Of 36 families who have contacted BID in the past 18 months, the average length of detention was 49 days, and the outcome of detention in the majority of cases (20 families) was release on temporary admission. In the 14 cases where the family were removed, the average length of detention was 43 days.

"In many cases, the families seeking our help did not have legal representatives acting for them. The reviews of detention that are carried out internally do not appear to identify those families who should be released and many families do not ever get a chance to challenge their detention before an independent adjudicator" said Sarah Cutler.

ENDS

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¹ Oakington Reception centre is being used for families in the fast track process where decisions are made on their asylum claim, and also for families who are at the end of the process and are due to be removed from the UK.

² See Para 5.44 HMIP report

³ Quarterly snapshots published by IND only give the numbers detained on a given day.

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. More at www.biduk.org
2. In the twenty months between 1 February 2003 and 30 September 2004, BID assisted 36 families detained in removal centres. (Other families have contacted us but we have insufficient data on their cases to include in this analysis.) The ages of the children in the families ranged from a 12-day old baby (detained for 43 days before being released on temporary admission) to a 16 year old. The average length of detention in these 36 cases was 49 days (longest period of detention was 165 days and the shortest was 7 days). The outcome of detention in the majority of cases (20 cases) was release on temporary admission (TA). The average length of detention for those released on TA was 45 days. In 14 cases, the families were removed, the average length of detention being 43 days. In four cases, the family were released as a result of a bail application by BID, twice by BID and twice by the legal representative. The average length of detention for those released on bail was 70 days.
3. HM Inspectorate of Prisons report of an announced inspection of OAKINGTON IMMIGRATION RECEPTION CENTRE was published at 00.01 on 9 November 2004
4. Families at Oakington may be detained as part of the Oakington process (Fast Track) or in the Detention Overspill Facility, for the purposes of removal from the UK. The families who are detained in the 'Overspill' category because they are due to be removed have even fewer rights than families in the fast track. They are not provided with on-site legal representation and are not automatically seen by the Refugee Council. In a recent case, BID were informed that families in the overspill are not provided with medical assessments on arrival.
5. The government have put in place safeguards which are designed to respond to concerns about the use of detention – a system of welfare assessments after 21 days of detention (initially for Dungavel but to be extended to other centres) and a requirement for ministerial authorisation at 28 days. But, in BID's experience, these safeguards are not being effective in triggering release of families. The welfare assessments are still not up and running, despite being announced on 16 December 2003 and the ministerial authorisation appears to always uphold the detention decision – BID have a letter dated 7 October 04, confirming that "*ministerial authorisation for the detention of a family beyond 28 days has never been refused*".
6. Families are currently held at Tinsley House, near Gatwick and Oakington Reception Centre in Cambridgeshire. The government plans to use Yarl's Wood centre in Bedfordshire for families when it re-opens later this year and plan that 286 family beds will be available.
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).

For further background information see Detention of families in the UK: an update - May 2004
http://www.biduk.org/pdf/children/bid_update_may_2004_family_cases.pdf

And press releases at <http://www.biduk.org/library/archive.htm>

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