



## Briefing on Children in Detention

### Introduction

1. Established in 1990, Welsh Refugee Council is the lead voluntary sector agency working with refugees and asylum seekers in Wales. Our vision is to empower refugees and asylum seekers to rebuild their lives. Children in Wales is the umbrella organisation for all those working with children and young people in Wales to promote children and young people's interests and take action to meet their needs. We have been working in partnership with Children in Wales since 2000 to build capacity for some of the most vulnerable children in Wales.

***'I spent eight months and 24 days (in detention)....it was the hardest time of my life. It's hell. Prison is better than detention....In prison you have rights, not veiled rights. In detention, you have no rights.....' (Jaques, aged 17) \****

***'After the detention Michael was in a bad way. The bedwetting was a problem again and he had nightmares. He wouldn't go upstairs without me...Michael was afraid of the police coming again.'* (Marcia, a mother of Michael aged 9)\***

2. Every year around 2,000 children in the UK are detained for purposes of immigration control. Since 2001 children subject to immigration control can be detained on the same basis as adults.\*\*They are the only children in this country that can be locked up indefinitely without judicial oversight.

### The Detention Process

3. The UK government justifies detention by saying that families would abscond if released or that their removal from the country is imminent. However in reality families are the least likely of people to abscond as they have begun to rebuild their lives in Wales for their children to have safe, life free from persecution and trauma. Whilst we understand that any asylum process will always leave the government with responsibility for returnees it is the repeated systematic inhumane treatment to children that families report to us which is particularly disturbing

### Pre detention

- Early morning removals, also known as dawn raids where large numbers of immigration officers swoop in on families, who suddenly have 8 – 10 large men in their house which is intimidating, frightening and disturbing for children.
- No toilet facilities on the transport which can often take many hours without toilet breaks and children being told they have to wet or soil themselves
- Long journeys with no food or water
- Children and parents being split up for the whole or part of the journey.

### Whilst in detention

- Children with disabilities are being incarcerated without suitable provision or care. \*\*\*
- Child protection orders are being completely ignored. Leading to children being left with their abusers and at risk of being returned with them \*\*\*\*
- Children are locked away, shouted at, and subject to facilities and staff that are lacking in child friendly or appropriate behaviour
- Children have to adhere to strict meal times and a lack of food choices
- Children have to be escorted through certain areas of the centre by detention staff.
- Children witness their parents at their most desperate and despairing. Parents often tell our caseworkers that the effects of detention on their children are long lasting and traumatic

### The impact of detention

4. The impact of detention on children can be devastating. Taken from their communities with little understanding of what they have done to be locked up detention can significantly impair a child's mental and physical health. Our caseworkers regularly see children who exhibit high levels of disturbance and a constellation of symptoms' referred to by N.I.C.E\*\*\*\*\* as being indicative of



post traumatic stress such as bed wetting, crying at night, nightmares, anxiety about their future, difficulties in school and relating to their family and friends.

5. All of the above raise serious safeguarding and child protection issues and are clearly in contravention of the UK governments' recent removal of its immigration reservation to the UN convention on the Rights of the Child. The UKBA has recognised that something needs to be done as on the 6 January UKBA introduced a Code of Practice for Keeping Children Safe from Harm which obliges contractors and agency staff to ensure the code is being applied in practice. In detention centres however nothing has changed and children are still facing systematic abuse on a daily basis.

### Policy Issues

6. The UK government has also agreed in future legislation to introduce a duty on UKBA equivalent to Section 11 of the Children's Act but sadly the proposed new Children and Young Person's Bill 2008 has made no reference to the detention of children and families.

### Data Issues

7. Indeed in the figures released by the Home Office this february for 2007 Children detained under immigration powers are recorded through snapshot recordings once a month.\* No detailed statistics exist and no recording is made of children who have been detained on multiple times, or who have had their age disputed by the Home Office and are therefore detained as adults in communal sleeping facilities often placing them at risk of further abuse. In the words of Ann Owers HM Chief Inspector of Prisons May 2008

***'An immigration removal centre can never be a suitable place for a child and we were dismayed to find cases of disabled children being detained and some children spending large amounts of time incarcerated. We were concerned about ineffective and inaccurate monitoring of detention in this extremely important area'***

### Calls to Action

We believe that the UK government

- Should take steps to ensure that detention is only used as a last resort when all legal avenues have been explored.
- Always be subject to judicial oversight
- In child friendly and safe environments with suitably qualified and accountable staff.
- Be transparent and provide up to detailed up to date statistics and child safety monitoring procedures
- Explore meaningful alternatives to detention

Be held fully accountable for the full implementation of the UNCRC and steps towards this

That the best interest of the child should never be held secondary to immigration control

### Sources

\*Quotes taken from No Place for a Child. Save the Children, Dr Heaven Crawley and Trine Lester

\*\*Estimated Figure from No Place for a Child, Research by Dr Heaven Crawley

\*\*\*Report by HM Chief Inspector of Prisons on an announced inspection of Yarl's Wood Immigration Detention Centre 4 – 8 February 2008

\*\*\*\*Refugee Children's Consortium and Welsh Refugee Council have both reported incidences where child protection orders have been breached

\*\*\*\*\*N.I.C.E. National Institute of Clinical Excellence clinical guidelines 26 for professionals to diagnose post traumatic stress disorder in children.

\*\*\*\*\*See Home Office statistics released February 2009 for the 29<sup>th</sup> December 2007

38% children were in detention for between 15 – 28 days

29% children were in detention for 29 days – 2 months

15% children were in detention for between 2 – 3 months

### For further details please contact

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