

# ILPA information sheet

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## Detention of Children 3

9<sup>th</sup> August 2010

On 21 July 2010, the Deputy Prime Minister announced at Prime Minister's Questions in the House of Commons that:

*"...it was simply a moral outrage that last year the Labour Government imprisoned, behind bars, 1,000 children who were innocent of any wrongdoing whatsoever. This coalition Government, like so many other things, will once again restore a sense of decency and liberty to the way in which we conduct ourselves. That is why I can confirm that the Government will make an announcement shortly about how we deliver on our pledge to end child detention and to close Yarl's Wood detention centre for good."*

It was later clarified that the reference to closing Yarl's Wood detention centre had been intended to be a reference only to the family unit at the centre – i.e. that part of the centre where families and children may be detained. The centre will remain open for other detainees.

The last day of Parliament before the summer recess passed without any announcement on the closure of the Yarl's Wood family unit. Parliament does not return until 6 September 2010, and it is unlikely that any announcement will be made before then because the general protocol, not always followed, is for Ministers to make policy announcements to Parliament before anyone else.

This information sheet provides an update about the detention of children. Further information is available from the August 2009 and July 2010 information sheets on "Detention of Children".

### **The UK Border Agency Review**

As explained in the July 2010 information sheet on "Detention of Children", the UK Border Agency conducted a review beginning on 1 June 2010. That review closed around 9 July 2010 and has reported to Damian Green MP, the Immigration Minister. It is understood that the review received more than 300 written responses from individuals and organisations. ILPA provided a written response, and that response is available on the ILPA website in the 'Submissions' section at [www.ilpa.org.uk/submissions/menu.html](http://www.ilpa.org.uk/submissions/menu.html)

The UK Border Agency has not yet published any formal outcome of the review. However, the Minister has informed members of the National Asylum Stakeholder Forum (NASF) that the UK Border Agency will continue to run pilots over the summer so that the agency is fully prepared when an announcement is made. The NASF is the UK Border Agency's national forum for discussing asylum policy and operations with other agencies, including Local Authorities and NGOs. ILPA is a member of the NASF.

## **Running more pilots**

As recorded in the July 2010 information sheet on “Detention of Children”, one of the five principles agreed by the Refugee Children’s Consortium is that “*Ending the detention of children is not dependent on establishing ‘alternatives to detention’ projects or new processes for families*”. That information sheet gave the following short explanation of this principle:

*“Over the last couple of years, the UK Border Agency has run pilot projects. It has referred to some of these as ‘Alternatives to Detention’. These have involved trying to persuade families to agree to return to their home countries voluntarily. The UK Border Agency continues to run one of the pilots in Scotland. The UK Border Agency may decide it wants to run other pilots. However, there is no good reason why this should delay the end of detention of children.”*

Some further explanation of why there is no good reason to delay ending the detention of children in order to run pilots is given here.

Firstly, it is necessary to distinguish between the name that has sometimes been given to these pilots and what it is these pilots have sought to test. These pilots have sometimes been referred to as ‘Alternatives to Detention’. The name suggests that without the pilots, or the processes they seek to test, it is necessary or inevitable that children are detained. However, this is not correct. To date, the pilots have sought to test whether different arrangements can improve the take up by families of voluntary return. The pilots might reasonably be described as, or something like, ‘Alternative ways for the UK Border Agency to promote voluntary return’. There is no necessary link between the aim of voluntary return and the ending of detention of children.

Secondly, there are important ways in which these pilots have been unsuitable to test whether different arrangements can improve the take up by families of voluntary return. To date, the pilots have focused on only one part (the end) of the asylum process. The pilots involve some families while others have not been involved in the pilots. As is the way with pilots, the pilots have an end date. Each of these factors is likely to undermine the confidence or engagement of families involved in the pilots. This is because these pilots cannot directly address the experiences of these families of the asylum process prior to their entering these pilots, and these families will be aware that these pilots are only temporary and do not mark a change in the general position – as experienced by families not in these pilots. Families whose cases are among the asylum legacy (i.e. families who have been in the UK for several years, and in many cases have a long and justified history of lack of confidence in the UK Border Agency and the asylum process) may have particular reason to lack confidence in these pilots.

In May 2009, an evaluation of one of these pilots (the pilot immediately before the ongoing pilot in Scotland) published jointly by Bail for Immigration Detainees, The Children’s Society and The Diana, Princess of Wales Memorial Fund concluded:

*“An alternatives pilot cannot work in isolation from the wider system change because by the time those families had reached the end of the process they were not able to trust or engage with the process effectively.”*

This evaluation is available at:

<http://www.biduk.org/library/A2D%20Report.pdf>

It is to be hoped that the Government acts quickly in September to make the announcement on closing the family unit at Yarl’s Wood and ending the detention of children.