

10 June 2010

Ref:

Dear colleagues,

Review into ending the detention of children for immigration purposes

Ministers recently announced a Review into the ending of the detention of children for immigration purposes. I attach a copy of the Terms of Reference for the Review.

We are keen to receive your views and participation in the Review. The Terms of Reference indicate some of the issues we will be looking at and we would welcome your thoughts on any of these areas. However, I would like to highlight a couple of specific areas on which we would be particularly grateful for views and support:

- How can we improve our engagement with families in dealing with asylum applications? For example, do we need to review the contact arrangements with those families and their access to legal representation?
- How can we promote and improve the current voluntary return process to increase the take up from families who have no legal right to remain in the UK? What do you believe UK Border Agency's role is here and is there a role for others in engaging with families around this option?
- If a family chooses not to leave the country, with or without support from the UK Border Agency, what might an alternative family returns model look like? How should the UK Border Agency respond where a family refuses to comply with removal (recognising the need to strike an appropriate balance between our section 55 safeguarding duty and the enforcement of immigration rules)?

We would also be keen to have any relevant evidence or research on alternatives to detention in other jurisdictions.

A number of events are being planned in Scotland, Wales and London to establish a direct dialogue on the Review and Damian Green, the Immigration Minister may attend some of these events. Further details will follow, although the event for Scottish partners is currently planned for 14 June. The Diana, Princess of Wales Memorial Fund, is also facilitating input to the Review by co-chairing a working group made up of a variety of civil society organisations.

Submissions can be made direct to the Review team at the following address: ChildDetentionReview@homeoffice.gsi.gov.uk. Submissions may be published – please indicate if you would like your response to remain confidential. Ministers have asked for the Review to take place quickly, could I therefore ask you to submit any views in writing by **1 July**.

I look forward to working with you on this important review.

Yours sincerely,

David Wood
Strategic Director for Criminality and Detention
UK Border Agency

REVIEW INTO ENDING THE DETENTION OF CHILDREN FOR IMMIGRATION PURPOSES

TERMS OF REFERENCE

In response to the Government's commitment to end the detention of children for immigration purposes the UK Border Agency (UKBA) is undertaking a Review and will be engaging with a range of experts and organisations.

The Terms of Reference for this Review have been agreed by the Minister of State for Immigration, Damian Green, and the review will be accountable to him.

The Review will run for six weeks starting on 1 June 2010 and will be led by David Wood, Strategic Director, Criminality and Detention Group, UK Border Agency. The findings from the Review will be made public.

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The Review's aim is to consider how the detention of children for immigration purposes will be ended. It will make recommendations based on its findings.

The Review will consider:

1. The UK Border Agency's current approach to dealing with asylum applications from families, including the contact arrangements with those families and the families' access to legal representation.
2. The current circumstances in which children are detained.
3. All relevant baseline data and statistics.
4. The UK Border Agency's initiatives on implementing alternatives to the detention of children, including the current Glasgow pilot.
5. Models of good practice from other jurisdictions and relevant current research.
6. How the current voluntary return process may be improved to increase the take up from families who have no legal right to remain in the UK.
7. How a new family removals model can be established which protects the welfare of children and ensures the return of those who have no right to be in the UK, outlining the key process changes, rule or legislative changes that would be required to implement the new model.

The Review will take account of:

- existing international, EU and Human rights obligations;
- The UK Border Agency's statutory duty to make arrangements to take account of the need to safeguard and promote the welfare of children as it carries out its functions (section 55, BCI ACT);
- equality obligations;

- current financial constraints;
- the requirement for robust statistical data;
- the need for a risk assessed approach in dealing with individual families;
- the need for an implementation timetable.

The Review will actively seek the views of partners in its considerations and the development of new models and recommendations. As part of the review it will establish a working group comprised of the UK Border Agency, the voluntary, and statutory sectors to assist in this regard. This working group will be co-chaired by the UK Border Agency and the Diana, Princess of Wales Memorial Fund. There will also be other opportunities for partners to submit views direct to the Review. Views may be submitted to the UK Border Agency Review team at the following address: ChildDetentionReview@homeoffice.gsi.gov.uk.