

DON'T DUMP ME IN A FOREIGN LAND

Immigration detention
and young arrivers



GATWICK DETAINEES WELFARE GROUP



GDWG is an independent charity providing emotional and practical support to people detained under immigration powers in Brook House and Tinsley House Immigration Removal Centres next to Gatwick Airport. GDWG has around 40 volunteers who visit people detained at the Gatwick detention centres, and a small team of office staff who undertake advocacy and casework. GDWG also does outreach work to raise awareness about immigration detention as well as collating information to try and improve the system as a whole.

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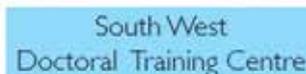
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Cover Image: View from the access road to The Verne IRC on the Isle of Portland, Dorset.

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Dan Godshaw has worked in migrant advocacy and support for 10 years. He has visited people held at Brook House IRC as well as supporting GDWG's research and campaigning work since 2013. Dan holds an MA in Migration Studies from The University of Sussex, and is currently an ESRC-funded doctoral researcher on immigration detention and gender at The University of Bristol.



Who are these “foreign criminals” supposedly seeking to exploit loop-holes to stay in the UK with their families? For one thing, many are not obviously foreign. They have come to the UK as babies or small children, grown up in poverty, and never applied for British passports because they never had the chance of a holiday abroad anyway. Some were raised in care, the responsibility of the British state, whose delegated carers never got around to making a passport application. Their accents are East London or Leeds rather than Mogadishu or Karachi - they may not even speak Somali or Urdu. When they get into trouble with the police, go to prison and finish their sentences, they are shocked to discover that they are not British. Many have British wives or husbands, and British children whom they are desperate to support and see growing up. They are carers for British parents. They have British friends, from their British primary schools, British secondary schools, British workplaces. But, suddenly, they are not British. (Phelps et al., 2014, p.28)

We are prisoners in a land we've been in for most of our lives. This is my country. How can you tell me that it's not? I was in this country when the Queen Mother died, when we invaded Iraq, when the Twin Towers came down, when Obama came to power...I remember penny sweets, ticket inspectors on the back of buses, red phone boxes, the Millennium Dome being built. What are they talking about when they say I'm not British? They expect you to wipe your history. How? (Anthony, Brook House)

Foreword

Young arrivers to the UK come from a wide variety of backgrounds and situations. Many are fleeing persecution or conflict; many have suffered the breakdown of their families through a range of circumstances. Many, by the time they are adults, have known no other home and are, to all intents and purposes, British. All are people asking for our help. They should find protection, fairness and clarity in our immigration system and in statutory support systems. Instead, far too many people are failed by the systems at many different points.

This report, written with a focus on first-hand testimonies, explores the realities young arrivers face, with particular regard to immigration detention. We make a number of recommendations for changes that we believe are needed, with actions required from government, from local authorities, and from support services.

Indefinite immigration detention itself remains a source of shame for the UK. We detain around 30,000 people a year, and are the only country in Europe without a time limit. The current system benefits no-one and comes at an enormous human and financial cost. We urgently need a 28-day time limit and an end to the detention of vulnerable people.

I echo the thanks Dan Godshaw offers below to the many individuals and groups who have helped make this important report possible. My biggest thanks, though, are reserved for Dan himself, for his tireless and passionate work researching and writing this report. He has done an outstanding job in exploring the wider context for young arrivers and individual detention, but also the personal details and individual stories that remind us why all the structural and political realities matter. They remind us that those who arrive in the UK as children, and those who are detained, are first and foremost not numbers or groups to be labelled, but people. Everyone deserves to be treated fairly.

James Wilson

Director, Gatwick Detainees Welfare Group

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Glossary

APPG - All Party Parliamentary Group

Article 8 claim - An immigration claim on the basis of private and family life according to Article 8 of the European Convention of Human Rights

Child/children - anyone under the age of 18

Dependant - a person who relies on another. In this case, people under the age of 18 who rely on adult family members.

Deportable - The situation of being vulnerable to deportation and other associated immigration controls such as immigration detention

DLR - Discretionary Leave to Remain

EEA - European Economic Area

EU - European Union

FNP - Foreign National Prisoner

HMIP - Her Majesty's Inspectorate of Prisons

ILR - Indefinite Leave to Remain

IRC - Immigration Removal Centre

NGO - Non Governmental Organisation

PTSD - Post Traumatic Stress Disorder

Settled status - Where somebody has ILR, the right of abode or Irish citizenship and is resident in the UK. Settled status is usually required to naturalise or register as a British citizen.

SVPRP - Syrian Vulnerable Person Resettlement Programme

UN - United Nations

Unaccompanied minor - people who arrive under the age of 18 without a responsible adult

Young arriver - anyone without British citizenship who arrived in the UK when they were under 18

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1. Executive summary

Children who are not citizens often face difficulties in the UK, but they are usually protected from detention and deportation until they reach 18. Having spent formative years in the UK, some adults are detained in Immigration Removal Centres (IRCs) while the government tries to deport them to places that feel foreign. This can be a frightening process which challenges identities and rights that they previously took for granted, yet there has been little written about this group in relation to immigration detention. This report addresses this gap by uncovering the ways in which people who arrived when they were under 18 become detained as deportable adults, and explores how detention affects them as a distinctive group.

- It is difficult to establish whether young arrivers are overrepresented in detention because of data gaps. However, evidence suggests that young arrivers make up a significant group in detention and that certain traits and trends are common among this group.
- Trauma is a common experience in the early lives of young arrivers. Feelings of loss, displacement, disruption and exclusion often continue after arrival. The impact of trauma can be overlooked by authorities and some young arrivers are left emotionally underequipped for adulthood.
- Young arrivers in detention are likely to have been in the care system. Experiences in care can cause young arrivers to feel unsupported and disorientated, leaving them vulnerable. In some cases, local authorities fail to regularise the status and citizenship of young arrivers. For some, and particularly those who lived in children's homes, a lack of guidance as well as excessive use of police intervention to deal with disruptive behaviour triggers contact with the criminal justice system.
- Detained young arrivers are also likely to have been in through the criminal justice system. Routes into criminality usually involve escalating offences that start in troubled estates or care homes. Crimes that lead to deportation orders are seen as inextricably tied to growing up in Britain, but young arrivers' status as foreign national prisoners mean that they are treated differently to their British peers, which feels unfair. Young arrivers are not properly informed about the possibility of detention and deportation, and are not granted opportunities for rehabilitation and reintegration into society.
- Young arrivers in detention would all have been precariously resident in the UK because of failures to secure lasting immigration status or citizenship. This failure becomes important as people turn 18 and age out of protection from detention and deportation. The immigration and citizenship processes can be so opaque that many do not recognise the importance of making claims as children. Some cannot afford to make claims and other barriers limit the possibility of claims being successful.
- This group spends significant periods of time in detention which is experienced as unjust and unfair. Delays in case handling, as well as access to information, are obscured by incompetence and dishonesty by the Home Office. Cuts to legal aid for immigration claims make legal support difficult to access, making people more reliant on families and external organisations.
- Young arrivers who claimed to be children are being held in detention, and detention makes them vulnerable to harm and abuse. Problems in the age assessment process mean that children can be, and are being, detained.
- Young arrivers feel deeply culturally connected to the UK, and being detained causes intense shock. Young arrivers lament their differential treatment to British peers, which some feel is linked to institutional racism. Detention causes people who had previously felt British to begin to feel foreign, excluded from society and the identity they had grown up with.
- Detention often causes a prevailing sense of worry and fear about being deported. These feelings are

made worse by having little or no connections to places they can be deported to, meaning that post-deportation futures are unimaginable and feel impossible.

- Young arriviers, who are likely to have substantial networks of family and friends in the UK, face difficulties in maintaining relationships in detention, leaving them isolated. Young arriviers are also particularly vulnerable to mental illness in detention. These findings show that Stephen Shaw's recommendations to prevent particularly vulnerable being held in detention are not being implemented.
- Some young arriviers use drugs as a way to psychologically escape from detention. Many cope by connecting with other detainees and guards who, like them, seem British. Young arriviers are likely to take on helping roles in detention which counteracts feelings of powerlessness. The most valued coping mechanism is meaningful contact with people close to them who are not held in detention.
- The minority of young arriviers who are deported can face difficult and dangerous situations when they return. When they are released back into the community in the UK, the support they are given is often inadequate and this pushes some to crime, prison and further detention. Most continue to be deportable and for many, the threat of being re-detained is ever-present.

This detailed qualitative research does not claim to be a representative picture of all young arriviers in detention. However, the work aids understandings of the complex events that leave this group vulnerable to being detained as well as the specific and, at times, catastrophic types of harm that they experience in immigration detention. It also links those who arrived unaccompanied to those who arrived with caregivers as well as those who were born without citizenship in the UK, showing that they have similar experiences collectively as young arriviers. Due to the shared nature of these experiences across participants, GDWG believes that other detained young arriviers encounter the same issues, and advocates for further work on the topic. GDWG urges the government, local authorities and support organisations to implement the recommendations put forward in this report without delay in order to improve the wellbeing of young arriviers in detention and, importantly, to prevent young arriviers from ending up in detention in the first place.

2. Recommendations

FOR GOVERNMENT

- As well as collecting data on age, sex, nationality, place of detention, length of detention and reason for detention, the Home Office should collate data on length of time in the UK, enabling the numbers of people in detention who arrived in the UK as children to be visible.
- When handling the cases of young arriviers, there should be recognition of, consideration for, and understanding about the possible presence and lasting impact of trauma, including on the ability to articulate traumatic experiences.
- Adequate funding should be provided to national and regional NGOs that support young arriviers to provide a comprehensive, independent guardianship service for all those eligible for support.
- The practice of differential treatment for and demonization of foreign national prisoners should end, with better recognition of the complex histories of this group, which may involve formative experiences in the UK, and potential overlap between other immigration categories.

- The Home Office should work closely with police officers, judges, and other stakeholders in the criminal justice system to identify young arrivers at risk of escalating criminality and provide clear warnings about the possibility of detention and deportation. Awareness of the consequences of prison sentences for people without citizenship should also be raised through a general information campaign.
- The government should reconsider its policy in issuing automatic deportation orders upon completion of prison sentences. Deportation orders should be considered with greater scrutiny on a case-by-case basis, with consideration given to the causes and nature of an individual's criminality.
- Operation Nexus, which disproportionately affects people who arrived in the UK when they were children and limits rights to a fair trial, should end. In the meantime, the government should demonstrate a greater degree of transparency about its activities.
- When people arrive in the UK as minors, immigration claims should be processed swiftly and permanent, settled status should be granted to all young arrivers. Once ILR is granted, they should automatically be on a path to citizenship that should be concluded by the time people reach 18.
- There should be an advocate in the Home Office who takes responsibility for regularising every child's status and, once this is achieved, registering them as a British citizen.
- Article 8 claims should be brought back into the scope for legal aid.
- Fees for immigration applications such as leave to remain and Article 8 claims as well as for registering as a British citizen should be drastically reduced, and their profit-making function scrapped.
- The good character requirement for registering as a British citizen should be scrapped.
- **Indefinite immigration detention should be brought to an end and replaced with community-based alternatives. A 28-day limit should be set on immigration detention.**
- An independent review into the quality of Home Office decision making on immigration matters, including detention, should be undertaken.
- Where age is disputed, there should be a presumption in favour of the young person and they should not be detained.
- Age assessments should be fully independent, and all young people should have a fully trained appropriate adult present.
- The Home Office should rethink assumptions commonly used to reject Article 8 claims for young arrivers, including those made about the ability of people who left countries of origin as young children to sustain connections there, and those around the ability to sustain meaningful relationships remotely.
- **Stephen Shaw's recommendations on mental health and detention should be implemented without delay and administrative or 'immigration factors' should never take precedence over individuals' safety and wellbeing.**
- **Adults in detention who arrived in the UK as children should be classed as a potentially vulnerable group generally unsuitable for detention in the Home Office's 'Guidance on adults at risk in immigration detention'. Any current or future assessments and safeguards should consider the dynamic nature of vulnerability in detention, and should incorporate the intersecting dimensions of harm experienced by people in this group.**

FOR LOCAL AUTHORITIES

- Movement between care placements should be limited and adequate support should be provided. Any allegations of bullying or abuse by young arrivers in residential care should be taken seriously, and staff who are found to hold prejudicial views towards migrants should not be placed with them.
- Assisting with applications to secure immigration status and, wherever possible, citizenship for looked after children and young people should be treated as high priority by local authorities, who should work closely and collaboratively with solicitors.
- The practice of placing vulnerable young people who do not have citizenship in children's homes should be ended. Instead, young arrivers should be placed in stable foster homes as becoming criminalised poses greater risks for non-citizen adults than for citizens.

FOR SUPPORT SERVICES

- Where there is capacity to collect and store data on people in detention, this should include both date of birth and date of entry to the UK, or alternatively age and length of time in the UK. Databases should enable statistical analysis of data on young arrivers.
- There should be better awareness amongst professionals who work with young arrivers of legal options on how to regularise stay and/or apply for citizenship
- Advocacy and support organisations should extend their remit in order to work with people in care who arrived accompanied as well as unaccompanied as they may require similar help.
- Finding and supplying free legal representation for young arrivers, who often have complex cases and experience prolonged detention, should be treated as high priority.
- Young arrivers should be carefully assisted to prepare for the possibility of detention and deportation. When detained, those supporting them should recognise the specific impact of being detained and help them to deal with the shock and ruptures to identity that being detained may cause.
- Those supporting young arrivers should be sensitive to the fact that deportation may be more catastrophic for this group than for those who arrived in the UK as adults and that they may be unable to plan properly for this eventuality. Support provided should address the fear and potential consequences of deportation for young arrivers and their families.
- Young arrivers who seek support should always be offered a visitor, even if their private networks seem extensive. Wherever possible, organisations should provide financial and practical support for friends and family members to visit young arrivers in detention.
- Efforts should be made to find out whether young arriver clients are taking on helping roles in detention. Where they are, additional resources and support should be provided to help them do this.

3. Introduction

The UK's responsibility towards young migrants has been brought sharply into focus recently in public debate. Much of this attention has centred on refugee children, both unaccompanied and travelling with their families, of the current European 'refugee crisis'¹. Despite a sometimes sympathetic judiciary and upper house, the British government has tried to prevent the arrival of under-18s to the UK. Recent examples include ignoring a decision by the Upper Tribunal in March 2017 which ruled that refusing unaccompanied children from the Calais 'Jungle' camp was unlawful, and scrapping the Dubs Scheme which had committed the government to admit 3000 refugee children already in Europe. The UK's pledge to admit 20,000 Syrian refugees under the SVPRP, which has a strong preference for families with children, is running significantly slower than planned, with only 4000 people resettled more than half way through its 7-year planned operation (McGuinness, 2017). Echoing the 'hostile environment' policies² of the government, some media outlets in the UK have sought to characterise young refugees as adults who lie about their age and as opportunist, 'economic migrants' (Daily Mail, 2016). A recent BBC documentary, 'Don't Deport Me, I'm British' (2017) shifted focus from refugees to a wider range of young arrivals now facing removal as adults.

Despite hostility, many children enter the UK and build their lives here. While children who are not citizens often face substantial difficulties growing up in the UK, they are usually protected from detention and deportation until their transition to adulthood when they reach 18. Having spent a significant part of their formative years in the UK, some adults end up detained in IRCs while the government tries to deport them to places that feel foreign. This can be a frightening process which dramatically challenges identities and rights that they previously took for granted, yet there has been little written on the topic and no research about this group in relation to immigration detention. This report aims to address this gap by uncovering the ways in which people who arrived when they were under 18 become detained as deportable adults, and explore how detention may affect them as a distinctive group. The research provides a platform for the voices of people whose conceptions of safety, belonging and Britishness have been shaken by the immigration controls they are now subjected to. GDWG intends this report to be used as a tool to advocate for better policy and practice in regards to young arrivals, as well as to improve the work of NGOs and others who work with this group.

This report aims to address the following research questions:

How and why do people who arrived as children end up detained in IRCs in the UK?

- Are this group overrepresented in the detained population?
- Do members of this group share common experiences in their routes to detention? If so, what are these?
- What should be done differently to prevent them from becoming detained as adults?

Are there specific types of harm that this group experiences in detention?

- Do this group encounter specific challenges and vulnerabilities that relate to their experience as young arrivals? If so, what are they?
- What could be done differently to ensure and improve the safety and welfare of young arrivals while detained?

1. The image of a 'refugee/migration crisis' as a sudden, linear flow of people from war-torn countries descending on Europe since 2015 is open to challenge. The vast majority of refugees are hosted outside of Europe (Khiabany, 2016, p.756), and many of those arriving in Europe had already been outside of their countries of birth for some time (Crawley and Skleparis, 2017). The current situation may better be thought of as 'a crisis of protection and safe passage' on the part of European States (Arsenijevic et al., 2017).

2. Current Prime Minister Theresa May stated her intention to create a 'hostile environment' for migrants as Home Secretary in 2012. Since then, a range of legislative and administrative measures to make life difficult for migrants has been enacted, most visibly through the 2014 and 2016 Immigration Acts (Yeo, 2017a).

4. Background: the legal framework and existing literature

There are a number of routes through which under 18's who do not have British citizenship may arrive in the UK. These include:

- As dependants or as unaccompanied minors through one of the governments resettlement schemes. Currently, these include the SVPRP, the Gateway Protection Programme and the 'Children at Risk' scheme.
- As unaccompanied children without documents. If they have family in the UK they may go on to be placed under the family's care. If they have no family in the UK, they will become 'looked after' children.
- As dependants without documents, having entered the UK with their families who are also without documents.
- As dependants with documents, through Family Unification.
- Through birth, where one or both parents are not British or do not have settled immigration status.
- As direct family members of an EEA national, who do not currently need documents; as extended family members of an EEA national, who do; or as a separated child who is an EEA national.
- Through a tourist (visitor) visa, child student visa, transit visa or as a dependant of an adult with a work visa or adult student visa.

Previous research has shown that children may face significant challenges after arrival including intrusive and potentially inaccurate age assessments; difficulties in making immigration and asylum claims; an often unsympathetic media; racism, threats of violence and hate crimes; general xenophobia fuelled by right wing movements and the government's 'hostile environment' policies; stigmatisation based on immigration status; prolonged separation from families; inadequate and inappropriate care provision where children need to be looked-after; reduced employment and education opportunities including no access to student loans; mental health problems; lack of access to both primary, secondary and psychological health care; poverty; cultural disorientation; difficulties in forming life plans and ambitions, and immigration detention (Garin et al., 2016, p.96-97; Coram Children's Legal Centre, 2017; Wilding and Dembour, 2015; Dorling, 2013; Matthews, 2012).

However, the rights and entitlements of non-citizen children are generally more extensive than those of adults. In 1991, the UK ratified the 1989 UN Convention on the Rights of the Child, described by UNICEF as 'most complete statement of children's rights ever produced' (2017), and the government removed its reservation that prevented non-citizen children from accessing the rights that it bestowed on the national population in 2008. These rights were encoded into UK law in 2009 through Section 55 of the Borders, Citizenship and Immigration Act. This created a duty for authorities to safeguard and promote the welfare of all children, citizen and non-citizen alike, in the UK. Academic lawyers Jo Wilding and Marie-Benedict Dembour (2015; see also JCHR, 2013) have demonstrated that this legislation does not always protect the interests of foreign children. Crucially though, it is far less likely that they will be detained or deported than adults³. A report by Brighter Futures (2013) showed that aided by their seemingly secure rights, many children develop hopes, aspirations and identities that are deeply intertwined with their life in the UK.

Many children who do not have citizenship are able to apply to be registered as a British citizen but this process is fraught with difficulty. For those born in the UK after 1983⁴ where neither parent is British or has settled status, British citizenship is not acquired at birth. Children gain entitlement to register as a citizen after 10 continuous years of residence in the UK or if at least one of their parents goes on to get citizenship or settled status. Those who were not born in the UK can apply for citizenship at the discretion of the Home Office⁵.

3. In 2010, the government made a commitment to end the detention of children for immigration purposes which considerably reduced the numbers of children detained. Detention and deportation of children does, however, continue to happen. In 2016, 71 children were detained and 25 were deported (Home Office, 2017a; Home Office, 2017b). There was, until October 2016, a purpose built facility, CEDARs, that detained children with their families and at the time of writing, there were plans to open a new secure family unit at Tinsley House IRC.

4. The British Nationality Act 1981 ended citizenship entitlement for anybody born in the UK and came into force in 1983.

5. See Home Office guidance on 'Registration as British citizen: children' (2017e) for more information.

There are substantial barriers to acquiring citizenship through these routes. For example, it costs £973 to apply⁶. This sum may be beyond what some families, young people or, where the child is looked after, local authorities are able or willing to pay, and a further disincentive is that the money is not returned should the application be refused. Another difficulty is proving the status of parents at birth as well as proving continuous residence and this may be a particular problem where one of the parents is no longer present or is abusive (Valdez and Symonds, 2016a). A third barrier is that families, children and/or local authorities may not be fully informed about rights to register and how to go about it. Another obstacle to registration is the 'good character requirement' which applies to all applicants over the age of 10. This requirement, which had previously only applied to adults, was extended to children in 2006, and was made stricter in the government's 2015 Nationality Guidance. The process by which the Home Secretary determines whether an applicant meets this requirement has been criticised for being overly mechanistic, failing to take into account mitigating circumstances and for not making distinctions between character requirements for children and adults, meaning that behaviour at school often becomes a central factor in determining access to citizenship (Valdez and Symonds, 2016b). British citizenship is therefore often difficult to secure, even when children are entitled to it⁷.

When non-citizen children approach 18, they begin a process of 'becoming adult', a concept that has been explored in the academic literature, most notably through a collaborative research project led by Elaine Chase (et. al., 2017) and associated website on the futures and wellbeing of young migrants. Their transition into adulthood, as they move from protected to unprotected status, is often difficult and precarious, particularly for those who arrived as unaccompanied asylum seeking children (Chase, 2016). Until this point, even if attempts to gain more substantial rights through asylum and humanitarian applications fail, minors are usually granted DLR until they are 17 and a half. For those that had DLR, they must then apply to extend it and these applications, along with appeals to negative decisions, are usually refused. Furthermore, like applications to register as a citizens, the fee to extend DLR is expensive and profit making for the Home Office, preventing some children and care givers from making the application at all (Yeo, 2017b). Thus, many young people who were formerly protected through DLR or, if they had not yet come into contact with immigration authorities, simply by being children, 'age out' of a secure life in Britain - as well as having any state support withdrawn, they no longer have the legal right to stay in the UK and become vulnerable to detention and deportation even when there are practical barriers to removal (Allsopp et al., 2014, p.164). Likewise, those that may have had the entitlement to register as British citizens lose those rights when they turn 18.

When young arrivers who have not registered as British citizens have been granted refugee or human rights protection, extension of their DLR, or have settled, ILR status, their position as foreign nationals puts them at risk as soon as they turn 18. In their work on FNPs, criminologists Sarah Turnbull and Innes Hasselberg (2017) show that if a non-citizen adult⁸ commits a criminal offence for which they are given a prison sentence of 12 months or more (or 24 months or more for EEA nationals), they usually lose their immigration status and are subject to an automatic deportation order on completion of their sentence. Most will be transferred to detention at this point, pending deportation. HMIP Detention Team Leader Hindpal Singh Bhui (2016) has documented a dramatic increase in criminalising immigration transgressions, many of which carry a 12-month prison sentence as a minimum. As such, there are many more ways that non-citizens can end up in prison than the citizen population. Furthermore, non-citizen young people may be more likely to have grown up in circumstances that make them more likely to commit crime. Poverty, family trauma, poor housing, neglect, living in an disadvantaged neighbourhood, and spending time in the care system have all been shown to be predictors of offending in the UK (Anderson et al., 2005; Sands, 2016). The introduction of the police-led Operation Nexus in 2012, where police present often circumstantial intelligence evidence to an immigration tribunal, has enabled the

6. The Project for the Registration of Children as British Citizens has highlighted that, since the Home Office has stated that each application only costs £386 to process, registration is an unfair profit-making exercise that earns the government £587 per application (2017).

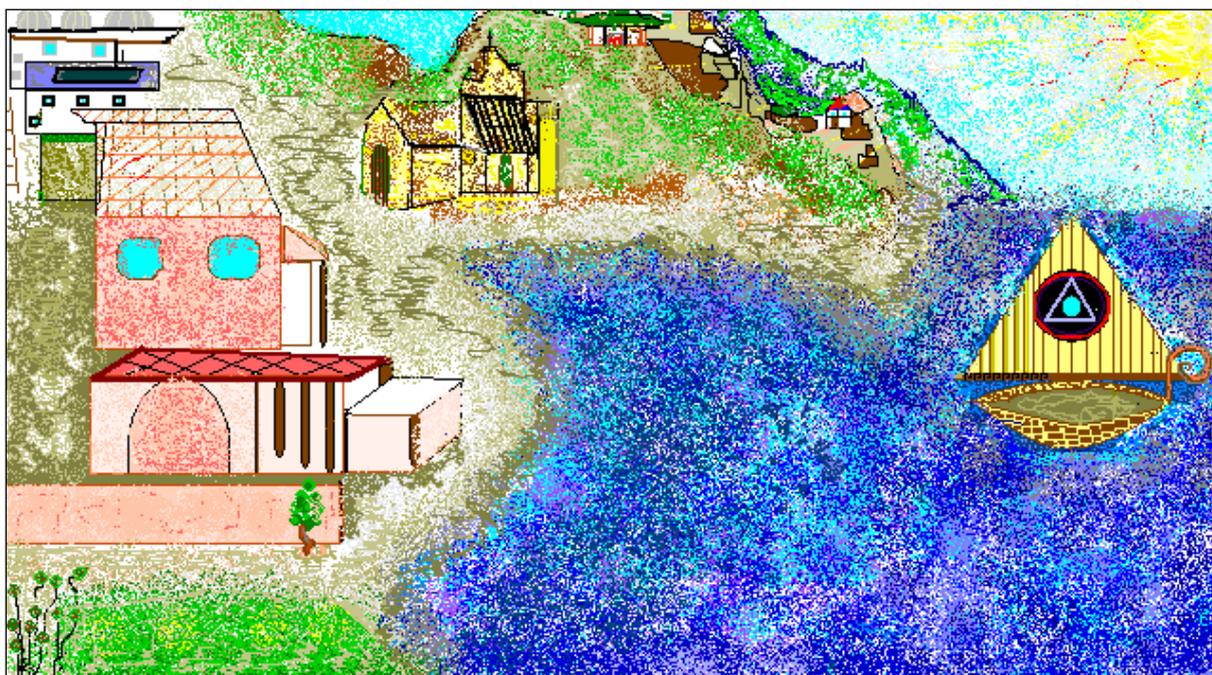
7. Despite the fact that the Home Office applies different rules to children so that they are more likely to win immigration cases than adults, they often fail, unfairly (see Warren and York, 2014).

8. According to the 2016 Immigration Rules, anyone over 17 can be issued with a deportation order following a prison sentence.

deportation of people who are merely suspected of committing a crime, or even just deemed at risk of doing so in the future (Griffiths, 2015a). Thus, transitions to adulthood always carry a higher risk, and criminal acts a higher penalty, for people who do not have citizenship.

While most of the academic literature on non-citizen youth who become adults focuses on unaccompanied asylum-seeking children, there is also a stand of work on illegality, deportability and detainability which this research contributes to (De Genova, 2016; De Genova, 2002; De Genova and Peutz, 2010). U.S. Sociologist Roberto Gonzalez argued that the undocumented '1.5 generation', or migrants who arrived in the U.S. as children either alone or with families had to 'learn to be illegal' during a nightmarish transition from inclusion as children to exclusion in adulthood (2011). Extending this focus to the French context, Carolina Sanchez Boe documented the common trajectories that young people with insecure immigration status take from banlieues, or ghetto neighbourhoods, to prison and eventually to a 'closed circuit' of illegalized life in and out of immigration detention (2016). While this work deals mainly with undocumented migrants, the category of the '1.5 generation' is similar to GDWG's framing of young arrivers.

Over the last decade, there has been a proliferation of NGO, parliamentary, government and academic literature on immigration detention in the UK. As well as work on the use of detention in general (Bosworth, 2014; APPGR and APPGM, 2015; Phelps et al., 2014; Phelps, 2009), this has tended to focus on themes such as state power and resistance (Tyler, 2013; Hall, 2012; Welch and Schuster, 2005); time, indefiniteness and the continuation of limbo-like states after release (Griffiths, 2014b; Klein and Williams, 2012; Andersson, 2014b; Turnbull, 2016; De Genova, 2016); relationships between immigration detention and broader carceral practices (Moran et al., 2013; Turnbull and Hasselberg, 2017); the work of visitors and migrant support organisations (Kaur Mann, 2014; Gill et al., 2014; Szopa, 2016); movement around the detention estate (Gill, 2009); privatisation, labour and bureaucracy (Andersson, 2014a; Griffiths, 2011; Burnett and Chebe, 2010); vulnerability, wellbeing and harm (Athwal, 2015; Connelly et al., 2015; Shaw, 2016; Cohen, 2008); emotion (Bosworth and Kellezi, 2016; Griffiths, 2014a); religion (McGregor, 2012); and alternatives to detention (De Bruycker et al., 2015; Ohtani and Phelps, 2016). There have also been studies that explore detention in relation to specific groups including women (Girma et al., 2014; Girma et al., 2015); men (Griffiths, 2015b; Bosworth and Slade, 2014); children (Tyler et al., 2014); people with mental health needs (Brooker et al., 2016; Durcan et al., 2017; GDWG, 2012; Lawlor et al., 2015); LGBT asylum seekers (Bachmann, 2016); and torture survivors (Pettitt, 2016). However, there has been no work prior to this research that explores the particular position of adults in detention who arrived as young people.



Boot by Ruben

In sum, existing literature shows that while there are many routes through which young people without citizenship may enter the UK, they may face significant difficulties after arrival which reflect the UK governments' 'hostile environment' approach to immigration. Although their rights are usually more extensive than those of adults which aids acculturation, children's' best interests are not always prioritised, and the process of registering as citizens can be problematic. When young arrivers approach 18, they lose the rights that their status as children previous bestowed on them, and may become vulnerable to detention and deportation, particularly if they were unable to secure settled immigration status when they were an unaccompanied asylum-seeking minor or if they encounter the criminal justice system. This research contributes to previous NGO and academic work on deportability and fills a gap in the literature on immigration detention in the UK. This gap provided the impetus for the research design (see appendix for further information on methodology).

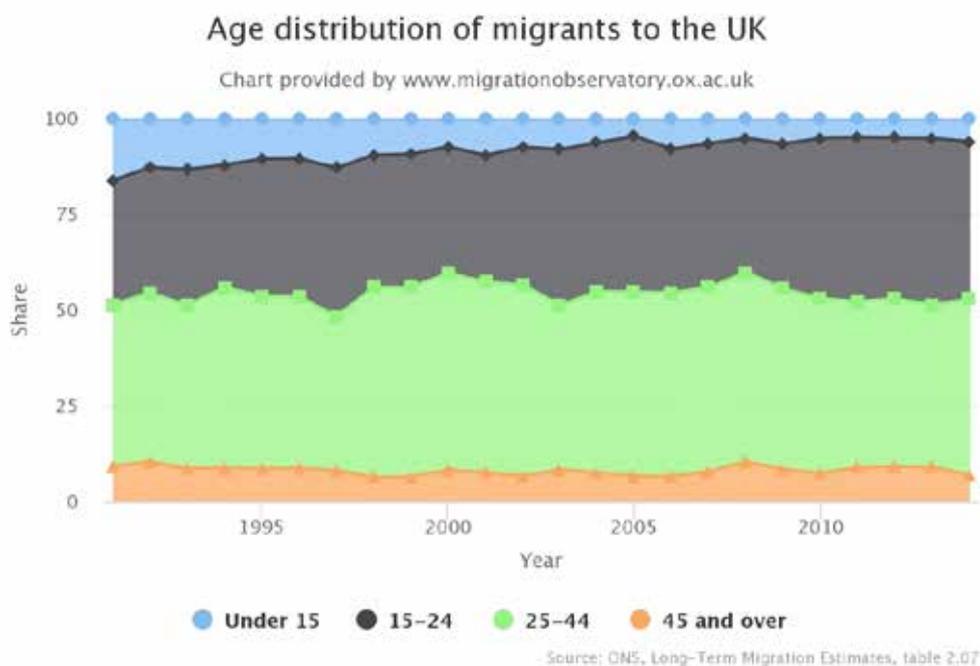
5. Findings

A) A hidden group: facts, figures and trends

GDWG set out to try and discover whether people who arrived when they were under 18 were overrepresented in detention. While GDWG staff have noticed an increase in the number of young arrivers seeking support, and since the regularity of these cases anecdotally point to high representation in Brook House, a lack of data made it very difficult to build a quantitative picture of this group in detention. However, there were some important observations that emerged, suggesting that young arrivers are a hidden but important group.

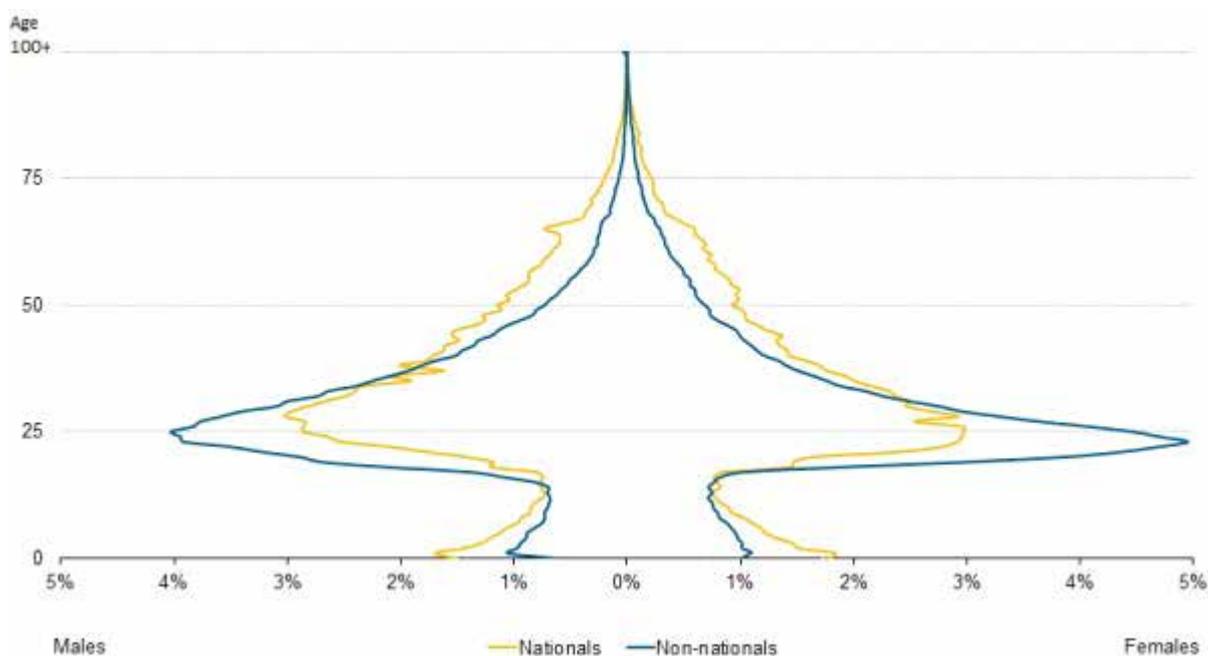
I) Child migration to the UK

To establish whether young arrivers were overrepresented in detention, an overall picture of child migration to the UK was needed. This was problematic to produce, and GDWG had to rely on rough estimates. GDWG submitted a Freedom of Information request to the Home Office for data relating to young arrivers, asking them to provide data on the total numbers of people entering the UK under 18 years of age. The Home Office told GDWG that they 'do not hold the information requested'. GDWG then



approached The Migration Observatory with the same question⁹. The sole source of data they held on children arriving in the UK was from the Office of National Statistics' Long-Term International Migration Estimates¹⁰.

It was difficult to use this data because, as the chart shows, ONS divides people between children (under 15) and young people (15-24) whereas GDWG uses the legal definition of under 18 as set out in the UN Convention on the Rights of the Child. However, it is possible to make a rough estimate of the percentage of under-18s who arrive from this data. The 15-24 age group makes up 41% of arrivals. If it is assumed that an equal distribution of people across each of the 10 years for this age group, then 15-18 year olds would make up around 12% of people entering the UK. Added to the proportion of arrivals who are under 15, roughly 6%, it could be estimated that 18% of long-term migrants who enter the UK are under 18. However, it is likely that this is a high estimate given that a higher percentage of migrants in EU countries are located in the top half of the ONS' 10 year age bracket (see the Eurostat chart below). As such, the estimate should be revised down. GDWG estimates young arrivers to make up between 10% and 15% of the incoming migrant population of the UK.



Source: Eurostat (online data code: migr_imm2ctz)

II) Young arrivers in detention

An estimate for the proportion of young arrivers in detention was even more difficult to produce. Evidence from individual respondents suggested that numbers were high. Several core participants told GDWG that in detention, where people often group together by nationality and ethnicity, there was a significant 'British' minority of people who arrived when they were young.

What's mad about this place is that we're a big minority. People who have been here a really long time. British people (Anthony, Brook House IRC)

There are so many people like me in detention, who arrived when they were young children (Ahmed, formerly detained)

9. GDWG also asked the Office for National Statistics, but they had no additional data on the topic.

10. The estimates draw mostly on data from the International Passenger Survey, but also include other data sources such as the Labour Force Survey, Home Office data on asylum seekers and data from the Northern Ireland Statistics and Research Agency on international migration. It is unlikely that this data includes non-citizens born in the UK or includes all undocumented migrants living in the UK.

This observation was supported by staff from other visitors' groups who said that, like GDWG, they were regularly supporting lots of people who arrived in the UK as children. However, GDWG was unable to locate reliable quantitative data to support these observations. Attempts were made to analyse GDWG's client database to try to understand the proportion of clients who arrived as children and compare this data to other variables such as time, countries of origin and detention outcomes. While GDWG records date of birth for most clients, date of entry or length of time in the UK are only occasionally recorded and when they are, they are not currently recorded as a value that can be easily analysed. Likewise, participating visitors' groups found it impossible to pull any useful data from their databases to use in this research.

Recommendation FOR SUPPORT SERVICES

- **Where there is capacity to collect and store data on people in detention, this should include both date of birth and date of entry to the UK, or alternatively age and length of time in the UK. Databases should enable statistical analysis of data on young arrivers.**

A similar situation was encountered with government data. The second question that GDWG asked the Home Office was to provide numbers of people entering, currently held in, and leaving immigration detention who arrived when they were under 18. They referred GDWG to the Detention tables in the Home Office's quarterly Immigration Statistics. However, this data only shows age and does not show how old people were when they arrived in the UK or the length of time that they have been in the country. This suggests that the Home Office does not collate data on the age at which people in detention entered the UK.

Recommendation FOR GOVERNMENT

- **As well as collecting data on age, sex, nationality, place of detention, length of detention and reason for detention, the Home Office should collate data on length of time in the UK, enabling the numbers of people in detention who arrived in the UK as children to be visible.**

Because of the gaps in data, while GDWG concludes from experiential perspectives that young arrivers do represent a significant group in the detained population, it was not possible to compare their presence in detention to the 10-15% estimate for child migrant arrivals. Thus, GDWG could not conclusively establish whether or not this group were overrepresented in IRCs.

III) Traits and trends

The research revealed trends that help to make this hidden group visible. Key participants generally agreed that that the people they worked with arrived in detention via two distinct but overlapping routes - as former unaccompanied minors who failed to have their leave to remain extended, and as people who formerly had settled status which was revoked following a prison sentence¹¹. For those that were unaccompanied, they were often detained soon after their 18th birthdays, whereas ex-prisoners were generally older when detained. Key participants agreed that there could be an overlap between these routes. For example, an unaccompanied minor who gained refugee status may then go on to have that status revoked following a contact with the criminal justice system. Two other common experiences mentioned by those that support people in detention was that of having experienced significant trauma as a child, and having been a 'looked after' child in the UK care system. Their cases were complex, often involving asylum and Article 8 claims and leading to long periods of detention. The harm that detention could cause people in this group was difficult to deal with.

¹¹ The solicitor GDWG spoke to also mentioned that former child victims of modern day slavery, who were never registered as citizens and often do not have status, are also vulnerable to detention and deportation.

When I meet people who have been here for so long, it hits me really hard. These cases actually hit me the hardest. Why are you sending me back? Where are you sending me back to? It seems like there is no justice
(Jess Anslow, Yarl's Wood Befrienders)

The most common countries of origin for young arrivers, according to key participants, were Albania, Afghanistan, Nigeria, Jamaica, Eritrea and Somalia. While there was agreement that most people from this group in detention came from the Middle East, Africa and the Caribbean, respondents observed that the list of nationalities young arrivers possessed was broadening over time, that growing numbers of detainees were born in the UK, and that an increasing number of EU citizens who arrived when they were under 18 were now being detained.

The trends identified by key participants were supported by the characteristics of the core group. The 9 core participants were aged between 17 and 37, with the 3 who had arrived as unaccompanied minors ranging between 17 and 24 (averaging 19) and the 6 who were not unaccompanied between 18 and 37 (averaging 29). This gave an overall average participant age of 26. Age of entry to the UK ranged from birth to 14, meaning that the average age of entry was 9 years old. Formerly unaccompanied participants tended to arrive when they were a few years older than others. The average length of time that participants had lived in the UK for was 17 years, with the longest resident having been in the UK for 29 years. Given that former unaccompanied minors generally arrived older and were detained younger, their length of residence tended to be shorter than those who arrived with family members.

Participants' nationalities included Afghanistan (3), DRC (2), Jamaica (1), Somalia (1), Poland (1) and one other Caribbean island, matching the observations of key participants. 5 out of 9 had been looked after by local authorities, and only one had not been served a prison sentence. 4 out of 9 respondents had been detained more than once, and 6 had spent time in more than one IRC. These included Brook House, The Verne, Harmondsworth, Morton Hall, Dover and Colnbrook as well as immigration wings in prisons.

Summary

It was difficult to establish whether young arrivers are overrepresented in detention because of gaps in quantitative data from government, statistical bodies and visitors groups. While GDWG estimates that between 10-15% of migrant arrivals to the UK are children, it was not possible to create a statistical estimate for young arrivers in detention for comparison. However, observational evidence from GDWG's and other visitor groups' work, as well as core participants suggests that young arrivers make up a significant group in detention. GDWG was able to discover key traits and trends that help to make this hidden group visible.

B) Routes to detention

A key question that GDWG set out to answer was whether young arrivers share common experiences in their routes to detention and, if so, what these common experiences are. GDWG also asked what could be done differently to prevent them from becoming detained as adults. Four threads were found that weaved through many of the stories of core participants - trauma, being looked after by local authorities, the criminal justice system, and precarious residence. These common journeys showed that young arrivers face difficulties, obstacles and decision making by authorities that makes them particularly vulnerable to becoming detained as deportable adults. GDWG used these findings to produce recommendations that would decrease the chance of them becoming detainable adults.

1) Trauma

Often people who arrive in their adolescence have either been through the trauma of war or have experienced violence themselves **(Solicitor)**

Nearly all of GDWG's core participants expressed traumatic narratives of early life. Often, this began with war and conflict in their countries of origin and included the killing or attempted killing of parents or attempts to force children to fight. In other cases, it was the journey that caused the greatest trauma.

My dad had a warrant out by the Mobutu government. He was killed in Zaire. Mum, me and my siblings managed to escape (Lee, formerly detained)

The Taliban asked me to put on a jacket and blow up the [US Army] base. The Imam told me that I have to do this...My mum got scared and told my uncle who hid me and helped me to escape...Taliban came to search for me. Then lorry after lorry then jungle and then UK (Zaaki, Brook House)

The boat we were on broke and sunk...It was in Italy...I saw my parents' bodies behind a window in hospital (Bidar, Brook House)

For many respondents, loss and displacement caused a great deal of psychological distress after moving to the UK, often leading to difficult childhoods.

Most of the time I was really stressed...Every time I used to go back to my room I used to just look in the mirror and cry for my mum (C-Five, Morton Hall)

From that time I'm not happy. I wish I died with my family on that boat (Bidar, Brook House)

For some, trauma continued after arrival despite being looked after by family members. Two of our respondents suffered abuse at the hands of their fathers.

It was abuse and neglect. I come from a Caribbean background where it is normal to beat your kids. But my dad was excessive and took it too far (Anthony, Brook House)

We lived together with my step mum and dad. We started having problems with my dad. He started abusing and beating us. (C-Five, Morton Hall)

For others, the disruption of leaving their homes and trying to fit in to a new place caused significant and lasting impact on young lives. One participant told GDWG about racism and exclusion he faced at school and in his neighbourhood.

Going to school was hard because you don't know the language and wear silly clothes...so I often didn't go to school. Not because I didn't like it. I loved it. But I was shamed by boys and girls. I felt like I missed out a lot...Our car used to get smashed up. They used to say 'get back to Africa nigger'...you feel like you're not wanted (Lee, formerly detained)

Two key respondents lamented the lack of attention that the Home Office paid to the impact of childhood trauma.

The Home Office don't identify [trauma] because they assume that people who have been in the UK for that long must be fine as they don't immediately present with problems (Solicitor)

There needs to be more consideration for difficult backgrounds which usually involve significant trauma (Jess Anslow, Yaris Wood Befrienders)

Indeed, an excerpt from a Home Office letter sent to one participant whose mother was killed in front of him when he was a young child demonstrates a lack of understanding of the impact of traumatic events, which can inhibit detail and consistency when recounting autobiographical memory (Herlihy et al., 2012).

It is considered to be inconsistent that you do not remember your mother's name and state that you know nothing about her, but are able to...recall the circumstances in which she was killed...Due to the inconsistent and non-detailed account of your mothers identity and death, it is not accepted that your mother was murdered (Asylum decision letter)

Childhood trauma can have significant negative effects on emotional adjustment in adulthood (Allen, 2008). The fact that participants shared a common experience of childhood suffering suggests that young

arrivers often have early experiences that impact wellbeing, leaving them emotionally underequipped for adolescence and adulthood. For more than half of our participants, this early trauma led to and, in some cases, was exasperated by time in the UK care system.

Recommendation FOR GOVERNMENT

- **When handling the cases of young arrivers, there should be recognition of, consideration for, and understanding about the possible presence and lasting impact of trauma, including on the ability to articulate traumatic experiences.**

Summary

GDWG found that trauma was a common feature in the early lives of young arrivers. Feelings of loss, displacement, disruption and exclusion continued after arrival for many, and some were abused by family members in the UK. While the impact of trauma could be neglected by authorities, the young arrivers that GDWG spoke to were left emotionally underequipped for adulthood.

II) Local authorities and the care system

Of the 5 people GDWG spoke to who had spent time as ‘looked after’ children, 3 arrived unaccompanied from war-torn Afghanistan, and were thus placed in the care of local authorities shortly after arrival, and 2 entered the care system within a few years of arrival following parental abuse. GDWG spoke to a social worker who spoke highly of the child-centred approach that her local authority provided to young arrivers but also stressed the variability of care across local authorities, as well as a link between the failure of services and ending up in detention.

When people get into detention, it's often to do with the failings of the support services around them when they need them most **(Social worker)**

The social worker described the high-quality provision for young migrants in her local authority which included support with education, health, emotional wellbeing, social and community activities, relationships, finances and finding a solicitor. She told GDWG that, while provision was not perfect, the approach of her local authority was more radical than most and that due to her particular positioning as being passionate about the rights of refugees and asylum seekers, she was conscientious and competent in her role. Another key participant also spoke highly of a different local authority.

West Sussex social services have been fantastic... They understand the needs of children and we work well with them **(Francesco Jeff, Refugee Council Children's Panel)**

However, none of the core participants GDWG spoke to had a positive experience of being looked after by a local authority in the UK, and all made links between the failings in care that they received and their current position as detained and/or deportable adults. The failings that participants described fell into 3 categories.

Inadequate placement and movement

The first category concerned inappropriate placement within and movement between residential and foster care, leading to disruption, potential for abuse and a lack of practical support in children's lives. Several participants talked about the negative impact of being put in shared accommodation with other troubled children. One respondent felt that this impacted his development and taught him problematic

behaviours, and the solicitor GDWG spoke to confirmed that this was a common occurrence.

They mixed us up with kids who were getting sexually abused or had big issues and anger. There were alcoholics at the age of 14 and drug abusers injecting at 15... They took me away from my parents and gave me to a group of people who were really messed up. So what am I going to learn? What I'm seeing! (C-Five, Morton Hall)

I've supported people with a whole array of needs who have been left in [care] with a whole range of people with violence and dependency issues. There is no consideration of how integration with western teenagers who are troubled might impact mental health and behaviour (Solicitor)

For Zaaki, who said that he was 14 when he arrived, the fact that his age assessment placed him as 16 on arrival meant that he was removed from foster care to a shared house before he felt ready, causing a dramatic rupture.

It was much better in my foster family. [My foster mother] cared for me and gave me love. As soon as they took me away I was so sad. I started cutting myself... [In the shared house] I didn't know how to look after myself properly... I couldn't make my money last. I didn't know how to cook (Zaaki, Brook House)

For two other detainees with obvious academic ability, being moved around was bewildering and disrupted their education.

It was confusing... [social services] didn't really care. I was staying everywhere, they didn't find me a house. I just turned up to see social services to collect money. I went from children's home to children's home, foster home to foster home. I think they failed in their duty of care... School was on and off but mostly off... I didn't finish GCSEs or university because of being moved (Anthony, Brook House)

I finished secondary school but the last 2 years were difficult because I had to travel between care homes which were sometimes out of London. So I didn't finish my GCSEs (C-Five, Morton Hall)

Another participant told GDWG about bullying by peers and staff in shared local authority accommodation, reflecting previous research on abuse in the care system in general (Biehal et al., 2014). For one, this was particularly severe.

People were using me, abusing me here, people from my own country. They gave me drugs... people lent me money for that then wanted it back... They took my laptop, beat me, stabbed me... I asked [social services] to move me. They didn't do anything... [a social worker] told me to go back to Afghanistan, that I'm an illegal immigrant. That racism broke my heart (Bidar, Brook House)

Recommendation FOR LOCAL AUTHORITIES

- **Movement between care placements should be limited and adequate support should be provided. Any allegations of bullying or abuse by young arrivers in residential care should be taken seriously, and staff who are found to hold prejudicial views towards migrants should not be placed with them.**

Lack of support with legal matters

We've been in touch with a few people who've been in local authority care who didn't know what they had to do to get leave and weren't given the right advice (SOAS Detainee Support)

The second category of failings that participants who were in care told GDWG about involved a lack of support with immigration and citizenship applications. The failure to secure citizenship or settled immigration status meant that young arrivers were not protected from deportation. This factor featured highly in people's routes to detention, and affected both unaccompanied and accompanied arrivers in care.



Face by Ruben

Social services are the main reason I'm here [in detention]...If they didn't just see me as caseload, if they saw me as a person instead, all of this could have been avoided with one thing - getting me a passport...that should have been part of their duty of care...the actual care was bad enough, but not doing that was even worse **(Anthony, Brook House)**

My foster family helped me with my [asylum] application and took me to my appointments with solicitors and the Home Office. When I left there, social services or my solicitor didn't help...my social worker told me that they couldn't help me with my case **(Zaaki, Brook House)**

While the social worker GDWG spoke said that the local authority she worked for provided better help with talking to the Home Office, she acknowledged that young arrivers were not accompanied in meetings with solicitors and that a high caseload combined with a lack of resources led to inadequate support as well as an inability to secure support from other organisations. This was reflected in a solicitor's account of working with social services, which, he told GDWG, was often challenging.

We would support people to get appointments and attend Home Office interviews with them, but we leave people alone with solicitors...the legal service takes the lead...Statutory services need to be better linked to other services in order to make things more holistic and dynamic but unfortunately social workers have a 20 person caseload and no time...We have no resources **(Social worker)**

You often find that social services aren't invested in people's cases or making referrals to other organisations...I often find the relationship with them to be quite antagonistic or disinterested rather than collaborative. The overwhelming message I get is that they've got too much work **(Solicitor)**

GDWG also spoke to staff from the Project for the Registration of Children as British Citizens, a small charity that supports young people with entitlement to citizenship or who have a chance of succeeding in applications to register as citizens by discretion. As with immigration claims, they told GDWG that work needs to be done to improve the knowledge of local authorities who care for young arrivers.

We try to raise these [citizenship] issues with social services. We've written articles and blogs aimed at social services and since then we've had a lot more enquires from them **(Sue Shutter, Project for the Registration of Children as British Citizens)**

Recommendation FOR LOCAL AUTHORITIES

- **Assisting with applications to secure immigration status and, wherever possible, citizenship for looked after children and young people should be treated as high priority by local authorities, who should work closely and collaboratively with solicitors.**

These experiences in England stood in stark contrast to what the director of the Scottish Guardianship Service told GDWG about the service they provided. She stressed that leaving young people to instruct solicitors by themselves was problematic, and made the case for the necessity of an independent service advocating on the behalf of young arrivers.

We work closely with social workers and in 'looked after' reviews, making sure [young arrivers] are looked after properly...In my experience, social workers take very little role in immigration status...they put their trust in lawyers to do their job but it's well known that you get good and bad lawyers. We play an advocacy role to make sure lawyers are doing their job... [and] that every legal avenue is perused. (Catriona MacSween, Scottish Guardianship Service)

This sentiment was supported by Elaine Chase, an academic and leader of the Becoming Adult (2017) project which seeks to understand the trajectories of formerly unaccompanied minors.

It's not just about the quality of legal advice, but it's also about other people and organisations having a better understanding of the law and practice (Elaine Chase, University College London)

Recommendation FOR SUPPORT SERVICES

- **There should be better awareness amongst professionals who work with young arrivers of legal options on how to regularise stay and/or apply for citizenship.**

While the Scottish government funded service is struggling in terms of resources and only available to unaccompanied minors, not other foreign nationals in care, their success in reaching and helping young arrivers is outstanding. They told GDWG that they estimated that in the 7 years of their existence, only a handful of young people in Scotland eligible for their help had not been referred, and that of the 328 unaccompanied children they had supported, only 5 had gone on to be detained and only 2 had been deported. The Refugee Council's Children Panel plays a similar role in England, but a lack of resources mean that they do not offer a guardianship service and cannot support all the young arrivers who need their help, focussing instead on the most vulnerable clients.

People need someone who is on their side, who is independent, who can speak up for them and advocate and help...it's something that every child needs regardless of whether they're in Scotland or England (Catriona MacSween, Scottish Guardianship Service)

Recommendation FOR GOVERNMENT

- **Adequate funding should be provided to national and regional NGOs that support young arrivers to provide a comprehensive, independent guardianship service for all those eligible for support.**

Recommendation FOR SUPPORT SERVICES

- **Advocacy and support organisations should extend their remit in order to work with people in care who arrived accompanied as well as unaccompanied as they may require similar help.**

Poor guidance and extreme discipline

A third theme that was consistently mentioned by respondents who had been in care concerned problems with supervision and punishment by caregivers. Two participants lamented the lack of guidance that was available to them in care and contrasted this with what a family environment would have been able to provide.

I didn't enjoy being in care because no one was there for me...When social services took me away I said this is too much freedom...I didn't have anyone guiding me, telling what to do. At the care home, every kid there used to smoke and go out for days. I started doing that (C-Five, Morton Hall)

[People like me] need family care - guidance and responsibility. Where are they going, what are they doing, who with? Like a proper mum and dad, not just leaving you to do anything you want with dodgy people (Bidar, Brook House)

As well as a lack of supervision leading to problematic behaviours and associations, two participants drew direct connections between being looked after and later entering the criminal justice system.

When I was 18 [social services] left me. I didn't have that support...They didn't prepare me for life on my own...When I left care that's when I thought I had wings and started getting into trouble [with the police]... Every [criminal] record I've got I learnt it from care (C-Five, Morton Hall)

Case Study: Criminal care

Anthony and his father fled from the Caribbean after his mother was killed in front of him in an act of gang warfare. They arrived in the UK when Anthony was 8 and lived with his father's girlfriend who was British. Anthony was abused and neglected by his father, and he was taken into care when he was 11.

He was passed around several children's homes and foster homes where he suffered from a severe lack of guidance and care. Local authorities failed to provide accommodation for him on several occasions, leaving him on the streets, and did not try to register him as a British citizen. As a traumatised child who was later diagnosed with Bipolar disorder, PTSD and a mood disorder, Anthony had behavioural issues. His care providers responded to the issues that arose by calling the police. During his time in care, Anthony clocked up 22 convictions, 20 of them for minor offences that happened in homes which included breaking things, threatening people, fighting with peers, and spitting. When he was 17, he was sent

to prison for a robbery he said he committed when social services closed over the festive period and left him with no money. It was only he was sentenced to prison again for participating in the 2011 London Riots that he was handed a deportation order and detained. Anthony feels that, had he been looked after and loved by caring parents, he would not be in detention today.

"My criminal history started in care...You smash up your room and get arrested for criminal damage. You spit at police and get arrested for assaulting a police officer. You scrap with a friend and get arrested for common assault. All of my convictions happened in care. If I was at home with my family I would have never been arrested for these things...Your country thought it was appropriate to take me away from my family and look after me but you didn't look after me then you try to deport me...You can't dump me in a foreign land"

C-Five and Anthony's accounts are demonstrative of the findings from a recent report on children's homes and criminality by the Howard League for Penal Reform, 'Criminal Care' (Sands, 2016). The report found that children's homes in the UK, three quarters of which are run by private companies¹², regularly call out police to deal with minor incidents in an attempt to maintain discipline and punish young people.

12. The report found that one of the biggest providers of children's homes in the UK was G4S. While they sold their children's care company in 2017, the fact they have historically also been one of the main providers of immigration detention services and also provide prison services in the UK is notable.

It also found that children who had been in residential care were criminalised at ‘excessively high rates compared to all other groups of children’ and reported that between a third and two thirds of the prison population had been in care despite this group making up only 1% of the general population. For young arrivers without citizenship, the stakes are even higher since going to prison could mean detention and deportation. Representatives from NGOs confirmed that young arrivers who ended up in detention often experienced care that led to criminality.

It's so common for people who get into the prison system to have also been in the care system. That's one of the reasons we are so keen on talking to social workers so that kids get citizenship and security before they get a chance to commit crimes. (Sue Shutter, PRCBC)

[We see people in detention who have been] passed from carer to carer and then get into trouble with the police (Jess Anslow, Yaris Wood Befrienders)

Recommendation FOR LOCAL AUTHORITIES

- **The practice of placing vulnerable young people who do not have citizenship in children's homes should be ended. Instead, young arrivers should be placed in stable foster homes as becoming criminalised poses greater risks for non-citizen adults than for citizens.**

Summary

GDWG's findings show that young arrivers in detention are likely to have been in the care system and thus care is a common feature in routes to detention for this group. Experiences in care can cause young arrivers, who are usually already traumatised, to feel unsupported and disorientated, leaving them vulnerable to abuse, bullying and the influence of troubled peers. In some cases, local authorities lacked resources, knowledge and impetus to regularise the status and citizenship of young arrivers, providing inadequate oversight with solicitors and, in England, often failing to put young people in touch with independent organisations who could help them. For some young arrivers and particularly those who lived in children's homes, a lack of guidance and supervision as well as excessive use of police intervention to deal with disruptive behaviour triggered contact with the criminal justice system.

III) The Criminal Justice system

We see a lot of ex-foreign national prisoners...Most of [the men in The Verne] have problems with drugs and come to prison and detention because of that (Patrycja Pinkowska, Verne Visitors Group)

Working without permission is now a criminal offence. These things create a funnel into criminalisation. The "hostile environment" has been deliberately designed to do this (SOAS Detainee Support)

8 out of 9 core participants come into contact with the criminal justice system and had served prison sentences. For those that had leave to remain by the time they went to prison, this was revoked and in its place an automatic deportation order was issued. One of these participants also endured a lengthy joint immigration and criminal trial under Operation Nexus. Most then went straight to detention, but some were bailed and returned to detention either when reporting to immigration or after committing another offence. Four main themes around the criminal justice system arose from conversations with participants.

Home grown criminals

5 respondents' stories followed a similar route - they came into contact with the police through minor driving, drugs, criminal damage, and theft offences that began as young teenagers in and around the

inner-city council estates and children's homes where they lived. These offences culminated in one or two more serious offences that often happened during a period of material or psychological crisis that led to prison sentences of over 12 months and subsequent deportation orders. These sentences stemmed from drugs, fights, theft and, in one case, sexual assault. 2 participants followed a different pattern, and committed one-off offences as teenagers that led to imprisonment. Both of these cases involved pressure from their British peers to commit their crimes¹³.

Respondents who were looked after by local authorities and by their families pointed out that their criminality was intimately tied to growing up in the UK, often as disadvantaged and vulnerable children.

[Young arrivers in detention] grew up on council estates where people sold drugs and got into trouble. We never knew any different...The judge said that I'm a product of this environment, that I didn't come to this country to commit a crime. He's learnt this in the UK so he's our problem (Ahmed, formerly detained)

People like me shouldn't be here...we are not foreign criminals. We're home grown criminals. I learnt all my behaviour from this country. You need to give us more rights instead of putting us in places like this (Anthony, Brook House)

Anthropologist Melanie Griffiths (2017) has argued that foreign-national prisoners are treated as 'folk-devils' in the UK and receive longer sentences. Indeed, despite spending significant amounts of their formative years in the UK, and despite the fact that all offences had been committed here, some participants felt that they had been treated more harshly because they were not British despite the fact that many had been granted asylum or humanitarian protection in the past or had open claims for protection.

I got sent to prison and spent 4 and a half years behind bars, even though my sentence was only 3 years so I should have only served 18 months. But because I was foreign, I never had the same rights (Lee, formerly detained)

The judge gave me a really long sentence. 3 years...I should have done 18 months. But they didn't give me licence and kept me in there for 3 whole years (Bidar, Brook House)

Recommendation FOR GOVERNMENT

- **The practice of differential treatment for and demonization of foreign national prisoners should end, with better recognition of the complex histories of this group, which may involve formative experiences in the UK, and potential overlap between other immigration categories.**

No warnings

The second issue that arose centred on a lack of knowledge about the consequences of going to prison for people without British citizenship, and an absence of warnings about the potential for detention and deportation. Key respondents told GDWG about that their clients were often completely unprepared for deportation orders, and this was supported by detainees.

Many people think that ILR means that it is what its name suggests, indefinite. And then they find out [after a conviction] that it can be revoked (Solicitor)

It's not uncommon for people not to realise that they aren't British until they go to prison and get a deportation order (Detention Action)

I had no idea this could happen (OJ, Brook House)

13. The remaining participant who served a prison sentence chose not to talk about his offending.

Three participants told GDWG that had they known that they could be deported through better availability of information or the issuing of warnings, they would have tried harder to stay out of trouble.

It's a miscarriage of justice that people get deported automatically after 12 months in prison. If I'd known in advance, I would have changed my behaviour...If you don't want to change the law, make sure you clarify it. Stick an advert on TV. A lot of people would think twice about criminality **(Ahmed, formerly detained)**

[There should be] some kind of information or contact before you get into trouble. Either in person, by letter or by phone but in person would be best...It's already too late by the time people get into trouble. If people were really aware that this could happen they wouldn't jeopardise their home and safety. They only let you know when it's already too late **(Christopher, The Verne)**

Recommendation FOR GOVERNMENT

- The Home Office should work closely with police officers, judges, and other stakeholders in the criminal justice system to identify young arrivers at risk of escalating criminality and provide clear warnings about the possibility of detention and deportation. Awareness of the consequences of prison sentences for people without citizenship should also be raised through a general information campaign.

No second chances

Third, participants were frustrated by the lack of opportunity to be forgiven by the state as well as their differential treatment when it came to rehabilitation. Given their self-perceived position as home grown criminals, they lamented the way in which they were treated after a prison sentence - with a deportation order and usually detention - compared to the way that citizens were offered opportunities for rehabilitation and freedom.

I did a mistake when I was 14 and now they want to send me back...I want a fair trial. I want my human rights **(Bidar, Brook House)**

I have been sentenced to prison. I was not forgiven. I have been punished for my foolish choice...whilst in prison I have done a lot of personal development, addressed my drug issues...I am not bad person **(Lee, formerly detained, from a handwritten letter to the Home Office)**

Detention Action expanded on the gulf between the treatment of British and foreign offenders.

If they were British, they'd be getting some support at the end of their prison sentence. For this group, they are not treated as someone part of the prison system to be rehabilitated. They are treated as an ex-foreign national prisoner and forgotten about **(Detention Action)**

Core participants stressed their need and desire to be treated like their British counterparts who, like them, have grown up in the UK and been criminalised in identical ways. They felt that they should have been provided with opportunities for rehabilitation after prison sentences rather than detention and attempted deportation.

There has to be another way to punish us for our bad behaviour...When people come out of prison, there need to be courses that you have to complete to rehabilitate...you should get a clear warning instead of a deportation order. You get support and guidance... [instead of] keeping someone in detention for years **(C-Five, Morton Hall)**

I think that the law should be changed. If you've had a fight or stolen something I don't think that's enough to be removed...I think that anyone who came here as a child who has been here more than 10 years should not get an deportation order, regardless of their conviction unless it is very serious **(Ahmed, formerly detained).**

Case Study: No second chances for foreign children

OJ arrived in the UK when he was 7 with his mother and siblings. Facing discrimination in Poland as members of the Roma community, his mother wanted a safer and better future for her children in the UK. Since they were EEA nationals, the family didn't think they needed to apply for permanent residence or citizenship.

At the age of 16, in year 11, OJ committed an offence and was given a 2 year youth offending sentence, of which he served 10 months because of good behaviour and extensive engagement with rehabilitation programmes. OJ had never been in trouble with the police before, and said that he was pressured into committing the crime by bullies. OJ was issued with a deportation order after his sentence at the age of 18 but

was not told that he could appeal, and was detained when he reported to the Home Office. This prevented him from continuing his studies at college and removed him from the support of his family and friends. OJ has no friends or family in Poland, and does not speak the language fluently. OJ feels that he deserves a second chance like his British peers.

"I find it frustrating and disappointing that people can decide on one's future like this because he made a mistake when he was 16. People should meet you before they judge you. It's not right what the Home Office is doing to people... I believe that people should get second chances...I want to live life as a normal teenager"

Recommendation FOR GOVERNMENT

- **The government should reconsider its policy in issuing automatic deportation orders upon completion of prison sentences. Deportation orders should be considered with greater scrutiny on a case-by-case basis, with consideration given to the causes and nature of an individual's criminality.**

Operation Nexus

The final element of the criminal justice system encountered during the research centred on the experience of one participant who was arrested under Operation Nexus. Operation Nexus is a joint initiative between the Home Office and the police which undertakes 'intelligence led deportations'. The opaque but increasingly used mechanism allows people who have not been convicted by a criminal court to be found responsible for criminal behaviour at a deportation hearing. Over 3000 people have been

Case study: Operation Nexus

Having spent a combined total of over 5 years in IRCs, 33 year-old Lee was in detention longer than any other participant in the study. Lee arrived in the UK aged 6 with his mother and siblings, fleeing the DRC where his father was killed by the government. Lee grew up in a loving family but faced hardship in the inner-city estates where he lived, partly because it took the Home Office more than 10 years to grant ILR to the family, preventing his mother from working and making them reliant on meagre state support. Lee did not resist for citizenship before he started getting into trouble with the police when he was a teenager for low-level

driving offences. In 2005, he was arrested for a crime he did not commit, and spent 6 months in prison before being found not guilty. Soon after being released in 2006, Lee was arrested again under Operation Nexus. Lee's ILR was revoked immediately and he was sent to an IRC. At his Nexus hearing in 2007, the police used disputed and circumstantial evidence in an attempt to prove that Lee was a gang leader. He was repeatedly refused bail on the grounds that he posed a high risk to the public. In 2009, the case was heard at the Court of Appeal after 3 years in immigration detention. The judge dismissed the case, stating that there was no evidence that

deported as a result of Operation Nexus which disproportionately affects young arriviers (Griffiths, 2017) and, according to one lawyer, ‘offends against legal norms’ through its lack of transparency and reliance on allegations rather than fair trial (Nason, 2017). For Lee, the results of his lengthy Nexus trial were catastrophic.

Recommendation FOR GOVERNMENT

- **Operation Nexus, which disproportionately affects people who arrived in the UK when they were children and limits rights to a fair trial, should end. In the meantime, the government should demonstrate a greater degree of transparency about its activities.**

Summary

These findings suggest that young arriviers in detention are likely to have been in through the criminal justice system, often serving prison sentences of a year or more. For many respondents, routes into criminality involved escalating offences that started in the troubled estates or care homes where they lived. The sentences that led to deportation orders were thus seen as inextricably tied to growing up in Britain. Despite feeling like home-grown criminals, they were treated differently to their British peers and demonised by authorities as foreign national prisoners. Findings indicate that young arriviers are not given adequate information and warnings about the possibility of detention and deportation, and are not granted opportunities for rehabilitation and reintegration into society. Young arriviers are also disproportionately affected by Operation Nexus, which had disastrous effects on the life and prospects of one participant.

IV) Precarious residence

If people have been here as a minor, they should automatically be given citizenship (Jess Anslow, Yarl's Wood Befrienders)

The final issue related to routes into the detention estate featured heavily in the stories of every single core participant, and was spoken about in depth by key participants. Having insecure immigration status or not having gained citizenship left young arriviers in a state of precarious residence - vulnerable to

Lee was a risk to the public. Lee was bailed but it took until 2013 for the Home Office to drop the case and revoke the deportation order. This was too late for Lee. He developed depression while detained and became addicted to drugs when he was released. The same year that the Nexus case was dropped, Lee was sent to prison after being caught with drugs. He was given a new deportation order and detained after his sentence. Lee is currently on bail, awaiting an immigration hearing, but worries about being re-detained every day. He told GDWG about the damage that Operation Nexus had done to his life.

“The Home Office revoked my refugee status, took me to Colnbrook and gave me removal directions for 3 days’ time. It was done so quick. I was shocked. There was no warning...When it came to my Nexus hearing in 2007, they escorted me like a terrorist, with a police car in front and one behind...The police made up a lot of stuff. The arresting officers didn’t turn up in person and added stuff in the notes about violence during arrests and car stops which didn’t happen....I hadn’t been convicted but it was like I had murdered someone. I was never going to be normal after what Nexus did to me. It was so brutal”

detention and deportation when they turned 18 or when they received a prison sentence. GDWG has already shown that local authorities can fail to ensure that immigration and citizenship claims are made properly, and that troubled starts in life can push people towards criminality that ends in prison and detention. However, participants also argued that the issue of precariousness went deeper than local authority care and the criminal justice system. There were three broad problems that fed into precarious residence.

Ageing out

We see people who've been detained just after their 18th birthday (SOAS Detainee Support)

For respondents who arrived as unaccompanied asylum seeking minors, age was important. In particular, as one key participant explained, the transition between child and adult upon reaching 18 involved a transformation in the way that they were treated by the authorities.

As people make the transition into 18 and beyond they fall out of favour of the neat unaccompanied box and get constructed as troublesome asylum seeker (Elaine Chase, University College London)

All three respondents who arrived unaccompanied reported that support with immigration cases was cut off when they officially reached 18, and while all had been granted temporary leave to remain, no one had been successful in immigration claims made after this cut off point. The social worker that GDWG spoke to suggested that this may be part of the 'hostile environment' strategy by the Home Office to prevent young arrivers from regularising their status as adults.

The Home Office will wait and wait to do the [asylum] interview until they are 18 which means that there is no legal aid. That turning point of 18, it feels like the Home Office ages them out...After 18 you lose the legal representative and the translator and the social worker (Social worker)

Another key respondent described the brutality of granting children protection, along with the rights and opportunities that this entails, only to withdraw when they reach legal adulthood. This leaves young people in a limbo-like state, uncertain and unable to plan for their futures.

It's a very cruel system to put children through. The time it takes for them to make decisions, children do start settling here. It's so cruel that once they're over 18 they're expected to go back...They don't give them asylum, they give them temporary leave until they're 17 and a half, and it's a really bad situation to leave young people in limbo like that (Catriona MacSween, Scottish Guardianship Service)

The situation of being 'in between' secure and insecure immigration status as well as aging out of

Case study: a future ruined

Roshaan arrived in the UK aged 16 as an unaccompanied asylum-seeking minor from Afghanistan. A creative and ambitious young person, he excelled at college in the hope of becoming a doctor. Roshaan overcame the challenges of growing up in the care system, and was offered a scholarship by a leading London university to study medicine. He had just turned 18 when he tried to register in Fresher's Week. Roshaan had to provide his Home Office identification number as he could not provide the usual identity documents required by universities due to his immigration status. Despite the university's willingness and efforts to enrol him, the Home Office refused

permission to study as Roshaan since his leave to remain had expired and was not extended. 6 years later, Roshaan is in detention following long periods of destitution. He is certain that he will be killed if he is returned to Afghanistan, and feels that the Home Office have wasted his potential. He now suffers with mental health problems and is no longer hopeful about the future.

"Basically they ruined my life... [people like me] should be allowed to stay because we feel the UK is our country. I did. And I would have benefitted this country and the economy...I just wanted to help people that need help."

protection at 18 caused a dramatic rupture in the life of one Roshaan, causing a downward shift in his ambitions, sense of security, and mental health.

For participants who had already secured secure immigration status before they turned 18, any rights they had to register as a British citizen by entitlement or discretion were also lost at the age of 18 and, at the age of 17, they became vulnerable to deportation orders. Like their unaccompanied peers, becoming adult also entailed ageing out of the rights and secure residence that all children and adult citizens possess.

Recommendation FOR GOVERNMENT

- **When people arrive in the UK as minors, immigration claims should be processed swiftly and permanent, settled status should be granted to all young arrivers. Once ILR is granted, they should automatically be on a path to citizenship that should be concluded by the time people reach 18.**

Knowledge and responsibility

For many participants, unaccompanied and accompanied alike, a lack of knowledge about the immigration and nationality systems led to a lack of action on the part of young arrivers and their families. Some didn't realise the importance of making applications, and others lacked information about the status of their claims.

My mum tried to do something about my passport in 2001, but she didn't understand that I wasn't British, she just thought that I didn't have a passport...my family assumed that because I was born here I was British
(Christopher, The Verne)

I claimed asylum. I didn't know they had refused it and I didn't know I could appeal but by the time I did my appeal rights had run out. I only found out about all of this in detention **(Zaaki, Brook House)**

I had ILR and I didn't apply for my British passport when I was young...It didn't seem important...I also didn't want a passport because I thought my parents would send me to Somalia for a couple of years **(Ahmed, formerly detained)**

These sentiments were supported by key respondents. Some told GDWG that they often dealt with cases where people did not understand the necessity of making claims as children, and that support to help them make these claims was lacking.

They often didn't know they needed to apply to extend their leave **(SOAS Detainee Support)**

People don't realise they need to [register for citizenship] **(Detention Action)**

In many cases, the levels of support that people who are not unaccompanied need can be just as much as those who are. Often families don't get any support so sometimes it can be better to be unaccompanied in terms of the immigration case **(Social worker)**

Key respondents suggested that there was a need for better oversight and accountability within immigration and citizenship processes, and that it was unfair that responsibility for the cases of people who arrived as children to be left solely to care-givers who sometimes lacked adequate information.

If you come here when you're under 18, there should be an independent advocate or someone in the Home Office who takes responsibility for regularising a young person's status. There is something particularly unfair for someone who came as a child, when someone else had responsibility for regularising or not regularising their status being deported or removed **(Detention Action)**

When people get status through their parents, they should automatically be on the path to citizenship... People should be informed when they get ILR that registration is the next step... There should be more work

done with families as this offers some protection for people...ILR is not enough (Patrycja Pinkowska, Verne Visitors)

Recommendation FOR GOVERNMENT

- **There should be an advocate in the Home Office who takes responsibility for regularising every child's status and, once this is achieved, registering them as a British citizen.**

Barriers to applications

Key participants told GDWG about a range of obstacles that prevent young arrivers from making immigration and citizenship applications and unfairly limit their chances of success. Importantly, the amount of money that it cost to make these claims along with securing legal representation prevented some from making them in the first place, leaving young arrivers with insecure residence and leading respondents to call for changes to costs and support.

Not all parents [register their child as a citizen] because it costs a lot of money (Detention Action)

The big problem (with citizenship applications) is that they cost £973 which is not the sort of money you keep behind the sofa...They should not charge exorbitant fees for an entitlement which children have been given in law. I think it should be free (Sue Shutter, PRCBC)

[There should be] access to legal aid and fee waivers for people under the age of 18 looking to regularise their stay based on private or family life in the UK. Often the explanation I receive for an application not being made is that the family or individual could not afford the legal fees or application fee (Solicitor)

Recommendation FOR GOVERNMENT

- **Article 8 claims should be brought back into the scope for legal aid.**
- **Fees for immigration applications such as leave to remain and Article 8 claims as well as for registering as a British citizen should be drastically reduced, and their profit-making function scrapped.**

Respondents mentioned a range of other obstacles to applications including difficulties in producing evidence, poor quality legal support, and Home Office guidelines that limit opportunities for children to be registered by discretion.

Once I came to the UK I didn't know what to do. I didn't know they would need all this evidence from me. I just needed to escape. I wish I brought my stuff with me which would have proved. I wish that my solicitor gave me more help to get asylum (Zaaki, Brook House)

The variability of legal support is gobsmacking (Elaine Chase, University College London)

The Home Office has a wide discretion to register children, but their guidance states that they won't usually do so unless the child and parents have ILR and a parent is applying at the same time as their child (Sue Shutter, PRCBC)

A fundamental obstacle to registering for citizenship is the good character requirement. One respondent explained that as well as hampering the applications of those who got into trouble with the police when they were young, the good character requirement caused embarrassment for many and problems for those who had been in trouble at school.

There is no difference in the way [the good character requirement] is assessed between adults and children over 10. For example, we know of someone who got into a fight at school...and the child was refused

citizenship on this basis...you need to argue what a wonderful child you are...[and] have letters to prove this, for example from friends in your class, teachers, sports organisations, religious organisations. This can be embarrassing for children...Having a good character requirement for an entitlement is wrong. It should be scrapped. (Sue Shutter, PRCBC)

Recommendation FOR GOVERNMENT

- **The good character requirement for registering as a British citizen should be scrapped.**

Summary

GDWG found that young arrivers in detention would all have been precariously resident in the UK because of failures to secure lasting immigration status or citizenship. This failure became very important for participants as they turned 18 and aged out of protection from detention and deportation as well as support, rights and a sense of security. The findings showed that a lack of information, oversight and responsibility from the Home Office caused the immigration and citizenship processes to be so opaque that many young arrivers and their families did not recognise the importance of making claims as children. Furthermore, the financial burden of making claims and paying solicitors prevents some from be able to make applications and other barriers unfairly limited the chances that claims would be successful. The precarity that these factors created was key in enabling the detention of young arrivers.

C) The experience of detention: vulnerability and harm

The second key question that GDWG set out to answer in this report was whether there are specific types of harm that young arrivers experience in detention, and how could they be better supported while detained. Within this, GDWG tried to find out how this group experiences detention, whether they encounter specific challenges and vulnerabilities that relate to their experience as young arrivers, and how stakeholders in the detention system could work to ensure and improve the safety and wellbeing of young arrivers in detention.

To answer these questions, GDWG drew on current debates around vulnerability and detention. In Stephen Shaw's (2016) report, 'Review into the Welfare in Detention of Vulnerable Persons' for the Home Office, criticism was directed at the one-off checklist process through which the Home Office was assessing vulnerability and deciding on people who were unsuitable for detention as per Chapter 55.10 of the government's Enforcement Instructions and Guidance. This limited and static view of vulnerability, he argued, was 'not conducive to proper consideration of individual cases' (ibid, p.84). He drew on evidence from a range of sources including Detention Action who argued that 'the concept of vulnerability is so vexed that it perhaps makes more sense to speak of a crisis of harm in detention...This harm is frequently severe, whether or not the person was categorisable as vulnerable before they were detained' (Phelps et al., 2014, p.19). Shaw recommended that 'a further clause should be added to the list in paragraph 55.10 of the EIG to reflect the dynamic nature of vulnerability and thus encompass 'persons otherwise identified as being sufficiently vulnerable that their continued detention would be injurious to their welfare' (Shaw, 2016, p.92). As a result of Shaw's report, the Home Office published new guidance (2016a) on adults at risk in detention as part of the 2016 Immigration Act with a view to reducing the number of vulnerable people held in detention. However, in practice this guidance has been criticised for failing to take an adequately comprehensive or holistic view of vulnerability as well as for prioritising administrative consideration of immigration factors over risk of harm (McGinley and Ohtani, 2017).

GDWG takes the view that by being detained indefinitely, all people held in immigration detention should be considered vulnerable. However, the findings showed that young arrivers' experiences of detention

were often characterised by specific forms of harm that were linked to their experience as having arrived in the UK when they were children. Types of harm were split across 5 categories, with a final two sections on how people attempted to cope with the challenges of detention and life after detention.

I) Complex cases and prolonged detention

[Young arrivers] often have complex cases (Jess Anslow, Yarl's Wood Befrienders)

By virtue of the countries they come from they are often vulnerable to longer term detention (Detention Action)

The first of these categories concerned the complicated immigration cases that young arrivers were fighting, and the consequent prolonged detention that many of them faced. The total time that core participants had spent in detention when GDWG interviewed them for this research ranged from one week to a staggering 5 years, giving an average length of time detained of 15 months. Considering that, according to the Home Office (2017d), most people are detained for less than 2 months, GDWG's young arriver respondents spent a great deal longer in detention than general detainee population in IRCs on average¹⁴. Since the majority of respondents had been in prison, this observation supports Stephen Shaw's finding that 'those who have spent longest in detention are almost without exception former offenders' (2016, p.93). Participants told GDWG that the prolonged and indefinite detention they had experienced was damaging and unfair.

Most of my life since 2005 has been spent in a detention centre, on and off. In total, I've spent over 5 years in detention. Most of my youth (Lee, formerly detained)

I've never even been given a [flight] ticket. I have no travel documents... [I've been] kept here for such a long time. People are serving prison sentences but we're not called prisoners. Where are the human rights? (Anthony, Brook House)

With criminal convictions, you know what sort of sentence you're going to get. With the Home Office, there are no categories, no sentences. It's not humane. It's wrong (Ahmed, formerly detained)

14. Home Office statistics are based on each individual stint in detention whereas this is a cumulative total. However, it is still likely that this group spends far longer detained than average. GDWG's participants reported individual periods of detention of up to 2 years.

Case study: stuck in indefinite detention

Christopher, 26, was born in the UK to Jamaican parents who did not have settled status. His parents applied to register him as a British citizen when he was 10, but this was refused on the grounds that not enough information had been supplied. As a black male growing up on an inner-city estate, he struggled to stay away from trouble and was repeatedly stopped and searched by the police when he was young. Following several convictions for cannabis possession, Christopher was sent to prison at the age of 19 after passing a knife to

a relative who used it to stab someone, and was issued with a deportation order at the end of his sentence. He successfully challenged his deportation order, but the Home Office appealed and won. Following another prison sentence for cannabis, Christopher was detained at The Verne where he had been for 7 months at the time of interview. His last 2 bail applications had to be withdrawn because of a repeated administrative error on the part of the Probation Service. He cannot be deported as the Jamaican embassy will not issue travel documents unless

Recommendation FOR GOVERNMENT

- **Indefinite immigration detention should be brought to an end and replaced with community-based alternatives. As a start, a 28-day limit should be set on immigration detention.**

For those who had been in prison, probation services became a barrier to release. During the course of the research, one participant repeatedly had to withdraw bail applications because of mistakes by probation. One key participant explained that citizens took priority over non-citizens for probation despite having finished their sentences and even if this meant the prolonged incarceration of people who had grown up in the UK.

Probation is so stretched that someone who is in detention isn't a priority. So often there are delays to release as probation has to approve it. If someone was leaving prison with a week's notice, probation would have to find somewhere for them to live. In detention they don't have that pressure and often take a long time to act as they are not a priority (Detention Action)

Since many participants came from countries where war and genocide were continuing, and where the state was not fully functioning, the Home Office often struggled to deport them. In some cases, the Home Office cited problems with obtaining travel documents from countries of origin as a reason for prolonged detention. Detention Action also told GDWG that some embassies took a long time to respond.

We are seeing more EU nationals being deported. These often incur long delays. For example, the Portuguese embassy often takes between 1 to 1 and a half years to respond (Detention Action)

However, one person GDWG spoke to said that the Home Office withheld the fact that his embassy had not issued travel documents in an attempt to claim that his deportation was imminent and thus justify continued detention.

[The judge] really had a go at the Home Office. We asked to see the paperwork from the Somali government which the Home Office said they had. But they never had it! The Somali government never accepted me for travel documents... The judge caught them out... Somalia still aren't recognising me as Somali (Ahmed, formerly detained)

Incompetence and dishonesty by the Home Office was discussed in detail by many core and key participants, and was often cited as the main reason for complicating cases and prolonging detention.

The system is more broken than it's ever been. Year upon year the quality of decision making has been decreasing significantly. Home Office staff often have poor training and are inexperienced, coming straight from school (Solicitor)

he applies for and gets Jamaican citizenship as the Home Office have requested. Christopher has a partner and young daughter, has never been abroad let alone to Jamaica, and is both scared and heartbroken at the prospect of being deported to The Caribbean. Coupled with advice from his solicitor and from the embassy that he should not apply for Jamaican citizenship, Christopher decided not to comply with the Home Office. His latest monthly progress report, which states that 'non-cooperation may result in a prolonged period of detention' hints at

a punitive justification behind his continued incarceration. Christopher felt that he was being kept in detention unfairly.

"The Home Office know they can't deport me but they just say they have the power to detain me... Someone in the Home Office needs to seriously look into my case, to actually think about it rather than just copying and pasting. I'm born here and I'm not even getting a look in. They play mind games with me because I can't actually fly because I have no papers"

[Home Office staff] should start telling people the whole truth about their options. I got told that if I go back then I have a right to appeal. My solicitor told me this was a lie and they take advantage of you to get you out when you're vulnerable. They have destroyed so many lives because of lying...my solicitor is trying to re-appeal my case (OJ, Brook House)

[The Home Office] refused to acknowledge how much family I have here...This isn't a mistake. It's lies to damage my [Article 8] case. They say I've got a mother and a sister but I've actually got 3 brothers and 3 sisters (Ahmed, formerly detained)

They intentionally don't tell you things or tell you the wrong information or give you minimal information... They're not honest about the length of time things take because if they were honest they'd have to release you. It's disgusting (Anthony, Brook House)

Recommendation FOR GOVERNMENT

- **An independent review into the quality of Home Office decision making on immigration matters, including detention, should be undertaken.**

Inadequate and dishonest handling of cases by the Home Office made the need for legal support imperative. As well as the impact of limited access to legal aid before detention detailed in this report, GDWG has shown elsewhere that the removal of legal aid for people with private and family life (Article 8) cases in 2013 had a 'significant impact' for people who came to the UK as children when they are detained (GDWG, 2015, p.13). Participants in this research project supported this finding, many of whom were without legal representation for their Article 8 claims, and linked a lack of legal support to problems with accessing crucial information and guidance for their case, meaning that young arrivers became more reliant on family and external organisations.

You can't get legal aid [in detention]. (C-Five, Morton Hall)

[I could have been better supported in detention with] help and information. It's not easy to get these things... Because legal aid has been withdrawn, GDWG can help us find legal representation (Lee, formerly detained)

My solicitor is sometimes good but sometimes I can't get through for about a week. He doesn't communicate and often says he is busy. My partner and family are paying for it which is a big strain. He is only helping on my bail case [and not my immigration case] (Christopher, The Verne)

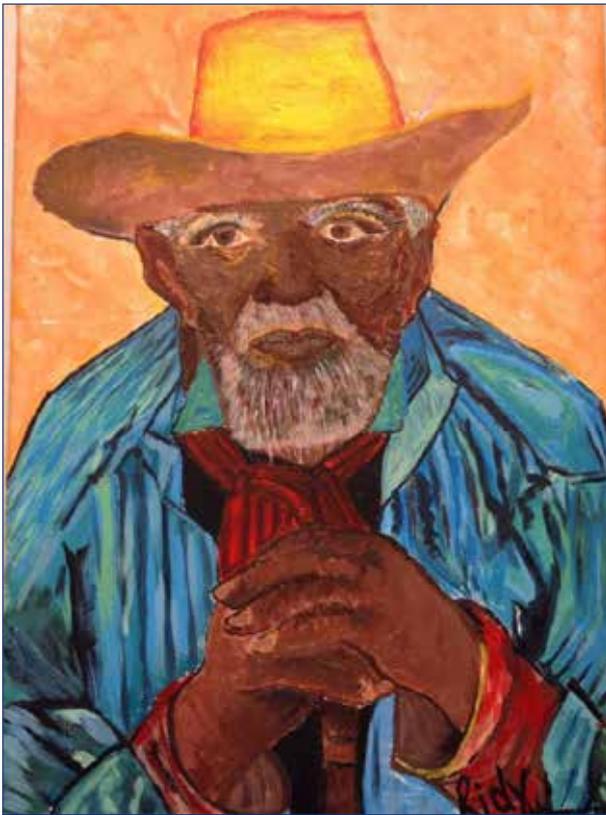
Nobody has the information except from the Home Office. They need to tell people about their rights and entitlements... for example in monthly progress reports. The progress update is often just a tiny box with one sentence. (Anthony, Brook House)

Recommendation FOR SUPPORT SERVICES

- **Finding and supplying free legal representation for young arrivers, who often have complex cases and experience prolonged detention, should be treated as high priority.**

Summary

Young arrivers spend significant periods of time in detention, and the average time that GDWG's participants were detained was well over a year in total. Prolonged and indefinite detention was experienced as unjust and unfair, and was exasperated by problems with probation as well as with the political context within and embassies of countries of origin. Respondents reported that these problems, as well as access to other information about their cases and entitlements, were obscured by incompetence and dishonesty on the part of the Home Office. This made the need for legal representation all the more pressing, but recent cuts to legal aid for immigration claims including Article 8 claims made legal support difficult to access, making people more reliant on families and external organisations.



The eyes of the wise (future self-portrait when I get out of detention) by Ridy

II) Disputed age

In their report on the use of detention, the APPG on Refugees and the APPG on Migration expressed concern that children were still being held in detention and highlighted the ‘need to improve the way age assessments are carried out to prevent children from being detained in the adult detention estate’ (2015, p.73). 2 of GDWG’s participants in detention said that they were children when they were interviewed, and that being in detention left them vulnerable to abuse from adults, causing them great distress. This was a problem specific to young arrivals who arrived unaccompanied.

Detention should not exist for young people...I got put with a 45 year old and a 36 year old in one room...they pushed me around, telling me to get them things...they pick on me...I take medication which makes me vulnerable and sleepy. One guy said to me that they could do anything to me when I'm like that...Once I woke up and my whole body hurt and I don't know if I got attacked or not (Bidar, Brook House)

I told them I am younger by 2 years, but Home Office assessed me as being 16 instead of 14 [when I arrived in the UK]. Sometimes there is bigger people [in detention]. They stare and I'm scared (Zaaki, Brook House)

Case study: age matters

Bidar lost his parents when the boat they were on sunk off the coast of Italy in 2009. Originally from Afghanistan, he arrived in the UK 4 years later unaccompanied after failing to find safety or his siblings, who survived the shipwreck, on mainland Europe. Bidar entered the UK with a fake German passport when he says he was 14 years old.

His age assessment recorded his date of birth as the same as that on the fake document, making him 17, 3 years older than he claimed to be. Bidar was put in a children’s home and was diagnosed with depression and PTSD. He developed a drug addiction. He was sent to an adult prison after attempting to steal a phone with a replica gun in order to pay drug debts. He was then detained and is currently appealing his asylum claim. He got his taskira (Afghan identity document) sent to him in 2015, which confirmed his claimed age as a minor, but this was not accepted by the Home Office.

Bidar was bullied and physically attacked by older men in both prison and detention, leading to hospitalisation with a broken arm and facial injuries while at Brook House. During the course of the research, Bidar was granted bail but social services failed to find accommodation for him, meaning that he was kept in detention for months unnecessarily. Bidar recently turned 18, or 21 according to the Home Office, which means that he has now ‘aged out’ of support from his local authority and lost the chance of having his asylum appeal heard as a minor.

“I tried to tell them that this is my age. But they don't believe me at all. They just say that your age assessment says you're older than you say you are. When you bring your taskira we can change it, they said. I told them I'm not happy with this... [In detention] we can be abused...lots of older people fight with me, beat me”

One key respondent told GDWG that it was common for the Home Office to make mistakes with age, often relying on inadequate age assessments done at the point of entry, meaning that children can end up detained and deeply affected by the experience.

An initial age assessment can be done in 10 minutes...Most of the cases I come up against are people [in detention] who have been initially assessed in a police station when they have just arrived and might be tired...Inaccurate age assessments are very common. Immigration officers have not been trained to do an age assessment... The risk they are taking is unnecessary and has a serious impact on young people...the job should be left to professionals... [this is affecting] huge numbers of young people...We sometimes have to take legal proceedings against the Home Office...Detention is not safe for children. They should not be put with adults. I have worked with a number of young people who have been so affected that they have to seek help afterwards because of the nightmarish time they had in detention **(Francesco Jeff, Refugee Council Children's Panel)**

The Refugee Council told GDWG that of the 39 age dispute cases referred to them from detention over the last year, well over half were accepted as a child or released pending an age assessment. They also said that they took legal proceedings against the Home Office 10 times in the last 6 months, and that they had been successful in every single case.

Several key participants pointed out other problems in the way that age was assessed for people whose physical appearance did not match ideas of how a child should look, and for those who initially told authorities that they were older than they were because of advice from peers.

The age assessment fails to take into account the impact of trauma on physical appearance in terms of early aging **(Solicitor)**

You cannot decide on the basis of physical appearance. This is because some people look younger and some older than their age...young people can spend months travelling difficult journeys, having trauma, witnessing murder, having family killed. It's no wonder they look old **(Francesco Jeff, Refugee Council Children's Panel)**

People are told on the journey that if people say they are over 18 they will be able to go on and find their families, whereas if they are under 18, they will have to go through a long process of identifying and proving who their family is **(Solicitor)**

Recommendation FOR GOVERNMENT

- **Where age is disputed, there should be a presumption in favour of the young person and they should not be detained.**

A solicitor told GDWG that these and other inconsistencies, as well as lack of preparedness for age assessments, were often used by authorities to demonstrate a lack of credibility.

People present as young but may not know their birthday or may not have documents that the Home Office recognise...It's a quick fire interview where the interviewee may not understand the purpose...people get nervous, and these signs are interpreted as not being credible **(Solicitor)**

Indeed, an excerpt from one participant's bail summary letter showed how claims to be a child could be used to damage cases.

[Bidar] has failed to assist in the removal process by...continuing to claim to be a minor despite being... assessed as 17 in 2013 and has given inconsistent version [sic] of events and made up elaborate stories **(Bail summary for Bidar)**

There were also concerns that the Home Office put pressure on social workers to assess age in a particular way, calling the purported independent nature of these assessments into question.

[I do age assessments] from a position of belief...I don't think this is repeated across other local authorities... [Age assessments] could be used the wrong way. There are pressures from the Home Office to have confirmed ages. They will turn around and say they don't believe the stated age...There is probably pressure exerted on social workers. There are silly back and forths. If you're not on the ball, it's so easy for the Home Office to trip up social workers (Social worker)

Social services are collaborating with the Home Office...the age assessment has become part of the asylum process rather than an independent assessment...they almost use the Home Office framework to make decisions, rather than being independent...[There needs to be] access to funding for independent age assessments from independent social workers (Solicitor)

As a result of these problems in the age assessment process, some young arrivers are being detained when they are still children. One key respondent told GDWG that this meant that there was a real need for consistent, competent and independent oversight over assessments via an appropriate adult¹⁵.

We often sit as an appropriate adult so it's much better than someone who doesn't really know what an age assessment is. We can take an independent record of the interviews...social workers know that we're involved and it makes them stick to what is appropriate...if there are things that have been misinterpreted, the appropriate adult can use their record to challenge things...and we can help the young person to get evidence...It can really help their case (Catriona MacSween, Scottish Guardianship Service)

Recommendation FOR GOVERNMENT

- **Age assessments should be fully independent, and all young people should have a fully trained appropriate adult present.**

Summary

GDWG found that young arriver children who were formerly unaccompanied were being held in detention, and that detention made them vulnerable to distress and abuse from adults. Problems in the age assessment process included poor quality initial decisions, problematic reliance on physical appearance, and a lack of understanding about the fact that some may follow peer advice to initially present as adults. Nervousness, unpreparedness and disputing Home Office decisions could be used to negate the credibility of young arrivers, and requirements for assessments to be independent, with functioning safeguards such as the presence of appropriate adults were called into question by respondents. These issues left young arrivers with disputed age vulnerable to detention despite the possibility that they were still under 18.

III) Identity and shock

People feel that they are not treated fairly...they believe that they are being held in detention illegally...They often feel like they are British citizens. I have people repeatedly saying to me "I'm British, how can this happen to me? I went to school here"...they don't see themselves as migrants (Patrycja Pinkowska, Verne Visitors)

In his report to the Home Office, Stephen Shaw stated that he met many detainees with long-standing connections to the UK and called into question the "zero tolerance" approach to such cases by the Home Office (2016, p.94). Most of GDWG's participants had local British accents, and would have been indistinguishable from their British peers had they not been in detention. They had all been educated in the UK, and many had networks of friends and family who were British. Every one of them, regardless of country of origin or context of arrival, expressed a sense of deep and permanent connection to the UK as

¹⁵. It is a requirement that an 'appropriate adult' is present during an age assessment to be compliant with the 2003 Merton judgement in the High Court. However, their role is not clearly defined and they are rarely adequately trained.

home. For many young arrivers, this extended to a concrete sense of their identity as British.

[When I came to the UK] I loved it...this felt like home. I settled in easily and quickly...I feel very westernised...I came here as a child...I don't know anywhere else...I was raised here, brought up in this system, this culture...Britain is home (Ahmed, formerly detained)

This is my country. This is my home (Bidar, Brook House)

I was born here...I'm not a foreign national (Christopher, The Verne)

I thought I was British. No one ever told me I wasn't (Anthony, Brook House)

One of the defining features of being put in detention and being told they could be deported for GDWG's young arriver respondents was an existential sense of shock or 'biographical rupture' (Boe, 2016). Some said that they couldn't believe it when they found out they would be detained.

I didn't really understand that this could happen to me...It didn't really kick in until after my prison sentence. When I went to The Verne I saw lots of people in my situation and that's when I realised I was definitely in deep shit (C-Five, Morton Hall)

I thought it was a joke. Deporting me to where?...I had no idea this could happen (Anthony, Brook House)

[When I found out that I would be detained after sentence] I was upset, angry, frustrated and confused...I thought they had made a mistake...How are they gonna deport me? On the day that my sentence ended I waited for them to come and release me. After 3 days they still didn't come and I realised they were telling the truth (Christopher, The Verne)

Key respondents told GDWG that this feeling of disbelief made it important for people who support young arrivers to help ground and prepare them for the possibility of detention and deportation.

A common thing when an individual has been in the UK for a while is a sense of shock and alienation, like wait a minute, I think of myself as British. This is my country...So that sense of confusion and I don't belong here is quite challenging...the sense that they could be deported doesn't really sink in...they think they'll be out soon. So it's difficult to...make the seriousness of the situation clear so that we can work with them properly (Solicitor)

Young people go into complete shock [if they get detained]. We try to prepare people for this possibility but they think it will never happen to me (Catriona MacSween, Scottish Guardianship Service)

For some core respondents, the shock of detention caused intense stress, anxiety, depression and physiological symptoms of trauma.

I found out [I could be deported] in prison. It was stressful...It was a surprise. I had no idea this could happen (OJ, Brook House)

I didn't realise I had an immigration problem...I didn't know what was happening [when they took me to detention]. It was very shocking. I nearly had a heart attack (Zaaki, Brook House)

[When I was first detained] I didn't understand what was going on. I was confused and shocked...I crossed the path to a different life...I've seen people kill themselves in detention and that was how I felt. When you've tried so hard to be part of something then they turn you away (Lee, formerly detained)

I couldn't eat for about 4 days when I realised. I had a belly ache...It was very stressful (C-Five, Morton Hall)

Most participants expressed that when the shock of being detained had sunk in, a sense of anger and injustice about the way they were divided from their British peers took over. This challenged the national and cultural identities that they had previously taken for granted and seemed to neglect the histories and contributions that young arrivers had made to the UK. Some felt that their treatment revealed institutional racism.

We are prisoners in a land we've been in for most of our lives. This is my country. How can you tell me that it's not? I was in this country when the Queen Mother died, when we invaded Iraq, when the Twin Towers came down, when Obama came to power...I remember penny sweets, ticket inspectors on the back of buses, red phone boxes, the Millennium Dome being built. What are they talking about when they say I'm not British? They expect you to wipe your history. How? (Anthony, Brook House)

Because of your country this [war] happened in my country. I'm not your enemy. My dad helped your country. Why don't they help me instead on punishing me? (Bidar, Brook House)

I feel properly discriminated against and it feels racist. I've put so much into this country. I've volunteered for the Olympics, I've paid taxes (C-Five, Morton Hall)

There are so many racist people who work for the Home Office and in Brook House. The way they look at you, the way they treat others. This is the 21st century. How can they not accept others? (OJ, Brook House)

I never really experienced racism and discrimination until being put in detention (Christopher, The Verne)

Unsurprisingly, these feelings began to change the way that young arrivers thought about their own identities in relation to other Brits, including family members. Over time, detention caused people who thought of Britain as home to become migrants. Becoming a migrant also meant becoming excluded.

What made it worse was that my whole family were getting British passports but not me. I was cast out (Lee, formerly detained)

When I got detained I felt different to my own brothers and sisters. They all have citizenship and all their kids have British passports. They travel all over the world but I don't... I always felt British. Now I feel like an immigrant (Ahmed, formerly detained)

Recommendation FOR SUPPORT SERVICES

- **Young arrivers should be carefully assisted to prepare for the possibility of detention and deportation. When detained, those supporting them should recognise the specific impact of being detained and help them to deal with the shock and ruptures to identity that being detained may cause.**

Case study: More British than you

Ahmed, born to Somali parents in Dubai, came to the UK with his family when he was 9. Ahmed was in his late 20s when his father died, triggering a period of profound anger and depression. During this time, Ahmed got into fights which landed him in trouble with the police and led to prison sentences, generating an automatic deportation order.

News of his possible deportation came as a complete shock to Ahmed as he had always believed that he was British like his siblings. Ahmed grew up in a white, working-class area where he was accepted and, in his words, 'westernised'. He is an avid England and Queens Park Rangers supporter, works

as an electrician, watches EastEnders and eats Indian takeaways like his British friends. Ahmed was detained for 13 months but was eventually bailed because the Somali Embassy did not recognise him as Somali, and as such he could not be deported. He is still fighting his case.

"I live 5 minutes down the road from a detention centre. I never knew it existed. There are officers that are like 20, 25 years old in there and I told them look, I'm more British than you. I've been here, I've been British since before you were born...I never had any idea I wasn't British until I got convicted. I was so shocked when they detained me"

Summary

Young arrivers that GDWG spoke to felt deeply culturally connected to the UK. As such, being detained caused an intense sense of shock and disbelief which led to the need for grounding, and triggered stress, anxiety and depression. This was followed by anger towards authorities because of their separation from and differential treatment to their British peers, which some felt was linked to institutional racism. Detention caused people who had previously felt British to begin to feel like migrants, excluded from society and the national identity they had grown up with.

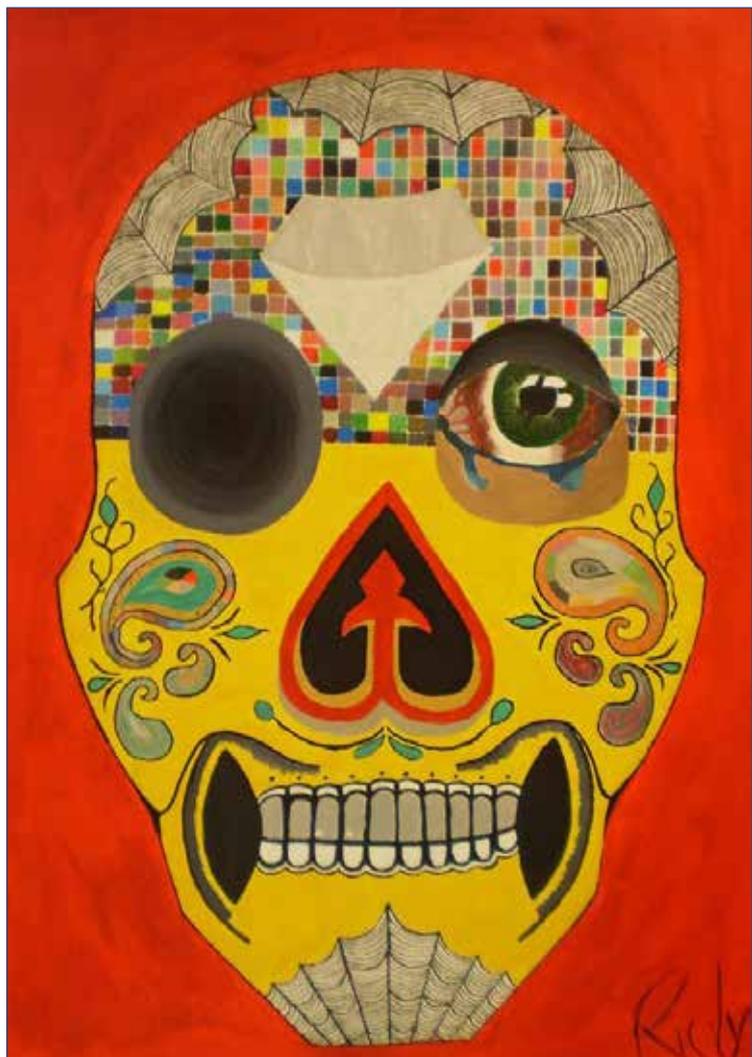
IV) The threat of deportation

[Knowing you could be deported] feels like you're drowning every day and everyone knows but no one wants to help you. I really can't describe it but when I hear the word deportation honestly my tongue stops working and my heart starts beating fast...Deportation for me simply means death (Roshaan, The Verne)

Shock and challenges to identity in detention were compounded by the reality that young arrivers could be put on a plane and removed at any moment. For GDWG's participants, the threat of deportation caused specific forms of worries and anxieties that made their time in detention even more difficult. Key participants told GDWG that young arrivers often had little or no connections with places that the Home Office were trying to deport them to. This included not speaking the language, having no family, friends or other support networks there and, in some cases, having no memory of the country at all.

Many have little or no links with their country of origin. For example, we're working with someone at the moment who arrived when they were 5 and doesn't speak the language... There is a particular kind of anxiety when people are faced with removal to a place they've never known (SOAS Detainee Support)

[Young arriver] clients often...speak little or no of the language of origin. We are increasingly seeing people who have never been to the country they are being sent back to. For example, we are working with a guy who was born and bred in East London and is being returned to a place he has never been (Detention Action)



Only if you see what's on the inside by Ridy

Indeed, core respondents expressed a lack of knowledge of and connection with places they could be deported to. This led to fear, worry, and an inability to plan for deportation. Many felt that life after deportation would simply be unimaginable and impossible.

I don't know anybody in Poland and I don't know the language... [Deportation is] my worst nightmare. I have nobody there. No money. I would have to sleep under a bridge. I have literally nothing there. I'd be completely stuck. I don't know the place at all. Where would I go? What would I do? (OJ, Brook House)

Where would I go [if I got deported]? Who am I going to go to? How am I going to get a job and live? I have no ties there at all...I can't imagine it. I'd probably try to come back. I know for a fact I couldn't survive there. (Ahmed, formerly detained)

They're trying to send me somewhere I don't know...I've never been to Jamaica...I've never even been on a plane before...It's not right on anybody to detain or deport them, but I think it's 10 times worse for someone who has come here from a very young age who doesn't know nothing else...I'd be shocked. I can't really imagine it **(Christopher, The Verne)**

These genuine and legitimate fears stood in stark contrast to picture that the Home Office attempted to paint of the prospect of return. Article 8 decision letters to 2 participants, who arrived aged 7 and 6 respectively, demonstrate attempts to downplay the impact of deportation based on questionable claims of continued connections to countries of origin. The Home Office did not provide evidence to support the assumptions they made about ease of return to places that participants left as young children.

It is not accepted that there would be very significant obstacles to your integration...you spent your formative years in your country of origin...By virtue of your long periods of residence there, there are no grounds to suggest that you are estranged from the culture to the extent that your return would be considered unduly harsh. **(Home Office, from Notice of Decision letter to Anthony)**

You spent...your early formative years in the DRC...During your time there, it is likely that you would have formed social relationships with others...it is possible that you have relatives remaining in the DRC for support on relocation...you would have been subjected to French and Lingala during the early years of your life and it is not considered plausible that you would have completed [sic] forgotten how to converse in either of these languages **(Home Office, from Notice of Decision letter to Lee)**

Anthony told GDWG that the Home Office's justification was unrealistic and inaccurate.

They say I've got significant bonds in my country of origin but how would I make significant bonds there as a 7 year old? I haven't been back there since **(Anthony, Brook House)**

Another argument used by the Home Office to refuse the Article 8 claims of young arrivers was that deportation would not have an impact on their established private and family life in the UK. The Home Office claimed that 'normal' relationships with friends and family, including partners and children, could be maintained through remote communication.

You have not provided any evidence to demonstrate that it would be unduly harsh for your child to live in [your country or origin] or remain in the UK without you...It is noted that adults often conduct their relationships...at great distances whether through choice or necessity. You will be able to maintain contact...via letters, telephone calls, email and the internet. In addition, there is nothing to prevent them from visiting you **(Home Office, from Notice of Decision letter to Anthony)**

There is no evidence that you will [sic] be able to maintain a normal adult relationship with your relatives and friends if you return...None of the evidence you have submitted in relation to any private life maintained in the UK indicates that you maintain a private life which is significant or compelling in any way **(Home Office, from Notice of Decision letter to Lee)**

Participants told GDWG that these claims were ridiculous, and that being deported would be crushing for them and their families.

[Deportation would mean] complete family breakdown. I would never see my child. They couldn't afford to fly to me, and I couldn't come home...My relationship with my partner would definitely end...They say I can keep a relationship over skype and social media...I'd like to see them do it with their kids **(Anthony, Brook House)**

[Deportation] would be the worst for my mum. She knows that if I go to Poland I have no life. It's the worst thing **(OJ, Brook House)**

If I go back, how am I gonna raise my family? It's killing the family spirit **(C-Five, Morton Hall)**

[Deportation would be] heart-breaking, upsetting and stressful, especially for my mum and dad and daughter and girlfriend **(Christopher, The Verne)**

Recommendation FOR GOVERNMENT

- **The Home Office should rethink assumptions commonly used to reject Article 8 claims for young arrivers, including those made about the ability of people who left countries of origin as young children to sustain connections there, and those around the ability to sustain meaningful relationships remotely.**

Many respondents also feared violence and persecution if returned. Some worried about general levels of violence in countries with political and civil unrest, and others worried about specific threats of persecution.

They will send me back to the same place with the same people...[The Taliban] will kill me...Its better to die here than to be sent back (Zaaki, Brook House)

The Taliban would catch me because I have tattoos, I don't know about my religion and I don't know my way round. They would accuse me of not being Afghan, of being a spy. They would know my dad, they would be after me...Better to kill myself here then to be tortured there (Bidar, Brook House)

You also fear that you will be subjected to abuse and violence from your father [if returned] (Home Office, from Asylum Decision letter to Anthony)

[Young arrivers think] I can't go back to my country. I'd be an outsider. People would want my money (Solicitor)

Recommendation FOR SUPPORT SERVICES

- **Those supporting young arrivers should be sensitive to the fact that deportation may be more catastrophic for this group than for those who arrived in the UK as adults and that they may be unable to plan properly for this eventuality. Support provided should address the fear and potential consequences of deportation for young arrivers and their families.**

Summary

GDWG found that detention often causes a prevailing sense of worry and fear about being deported. Compared to those who arrived as adults, these feelings were made worse by having little or no connections to places they could be deported to, meaning that continuing lives post-deportation were unimaginable and impossible. Home Office justifications for refusing Article 8 claims neglected the very real concerns that young arrivers had about the destruction of their family lives if returned, and many also feared violence and persecution.

V) Strained relationships and mental health

[Young arrivers] often have families and children who are resident here (Patrycja Pinkowska, Verne Visitors)

[Detention is] like hell. Basically it ruined my life (Roshaan, The Verne)

Aside from the effects of potential deportation on those detained, being in detention also caused considerable impact on and tensions between young arrivers and their friends and family members. 6 out of 9 respondents had close family members in the UK, suggesting that young arrivers are likely to have a substantial private and family life in the UK. Of those with family, 5 had parents in the UK, 5 had a long-term partner, and 4 had children. Being detained led to difficulties in maintaining partnerships and parental relationships, as well as having negative impacts on family members which diminished young arrivers' support network

I used to have visits from [my partner and daughter] every week. But now it's difficult as it's really far and expensive to travel here from London. There is a lot of pressure on our relationship because of me being here. So me and my girlfriend are patchy...not seeing my daughter is the hardest thing about all of this...it makes me want to cry just thinking about it...when they come my daughter never wants to leave and she always says she wants to stay here with me **(Christopher, The Verne)**

[Detention] puts a huge amount of pressure on the relationship with my partner and daughter because you're stagnant. It's not like prison because no one knows where they stand or what they should do...I feel like my daughter is forgetting me a bit...It makes me feel like a stranger. She says mummy lots but not daddy much **(Anthony, Brook House)**

Even my dad, we don't have good communication, but he is stressed, it's difficult for him...my family and friends are really worrying...I'm at the bottom with my girlfriend...She's getting fed up. She doesn't understand what's happening to me...its breaking my family **(C-Five, Morton Hall)**

Respondents also found that friends did not come and see them in detention.

No friends visit me here **(Anthony, Brook House)**

A lot of my friends didn't know I was in detention. They just thought I was in jail **(Ahmed, formerly detained)**

One key respondent told GDWG that these problems led to feelings of isolation. In the case of one core respondents, the strain that being in detention placed on relationships meant that he cut himself off from support networks entirely.

A lot of [young arrivers] haven't told their friends about their immigration status and their friends don't understand [why they are being detained] so they can lose friends and find themselves isolated **(Jess Anslow, Yarl's Wood Befrienders)**

I don't want no-one to come and see me **(C-Five, Morton Hall)**

Recommendation FOR SUPPORT SERVICES

- **Young arrivers who seek support should always be offered a visitor, even if their private networks seem extensive. Wherever possible, organisations should provide financial and practical support for friends and family members to visit young arrivers in detention.**

Feelings of isolation were just one cause and feature of mental health problems that young arrivers experienced in detention. The issue of mental health and detention has been explored in detail by GDWG (2012) elsewhere. It may come as no surprise then that mental health problems affected young arrivers in detention. GDWG found that every single participant in this research project reported mental health problems while detained.

In his Home Office report, Shaw made two important recommendations around mental health, clearly signalling to the Home Office his view that those with serious mental health problems including PTSD should not be held in detention.

- Recommendation 11: I recommend that the words 'which cannot be satisfactorily managed in detention' are removed from the section of the EIG that covers those suffering from serious mental illness. (Shaw, 2016, p.89)
- Recommendation 12: I recommend that those with a diagnosis of Post Traumatic Stress Disorder should be presumed unsuitable for detention. (ibid, p.90)

GDWG found clear evidence that, for young arrive participants, the Home Office has failed to implement these recommendations. While some participants recognised the connections between traumatic experiences in their early lives along with experiences in care and the criminal justice system, and their current mental health, most told GDWG that mental health problems became exponentially worse in detention. Aside from isolation and loneliness, problems included eating problems, lethargy, insomnia, bed wetting, depression, anxiety, bi-polar and mood disorders, PTSD, suicidal thoughts and suicide attempts.

I've been diagnosed with bipolar and PTSD...probably to do with the things I was exposed to when I was young. I take mood stabilising drugs (Anthony, Brook House)

I used to jump and scream if someone shouted. I'm taking Clomipramine. I've been diagnosed with depression and PTSD... [in detention] there is no enjoyment for me...I'm alone...sometimes I feel that my heart will blow up...you need education, hospital, nice food, nice people...You can't find this in here. You just wait. Depression affects me a lot (Bidar, Brook House)

[Detention] messes you up mentally. After you've been through so much...It scarred me mentally (OJ, Brook House)

I'm not putting on weight. I've got no energy. Detention has killed me mentally, physically, spiritually (C-Five, Morton Hall)

I went mental [in detention] and cut myself, hit myself on the wall. I shouted and screamed and couldn't sleep. I wet the bed (Zaaki, Brook House)

[Detention] is like a mental home...Sometimes I get into a super depression. Sometimes I say to friends maybe I should just kill myself (Christopher, The Verne)

I tried to cut and kill myself in the first year. I kept getting refused bail and thought "what's the point?" I met guys with slices all over their bodies and eventually you start to think that maybe they've got the right idea. You feel low, super low (Lee, formerly detained)

Key participants pointed out that mental health problems could be especially bad for people in detention who arrived as children due to the shock and confusion mentioned previously. One also told GDWG that for young arrivers, mental health problems sometimes went undiagnosed, with current mental health safeguards in detention were failing.

Often when people are here for years...they've got complex undiagnosed mental health issues...its only when the expert medical reports get commissioned that this is really established, but this isn't built into the system because although people have to be assessed under Rule 35¹⁶ they often don't delve deep enough (Solicitor)

16. Rule 35 is a process designed to ensure that particularly vulnerable people are considered for release from detention.

Case study: inadequate care, detention and mental health

Zaaki, and Afghan national, arrived in the UK when he was 14 as an unaccompanied minor seeking asylum after fleeing from the Taliban when he refused to wear a suicide vest and attack a US army base. This trauma and separation from his family made his arrival in the UK lonely and difficult, but Zaaki was placed in a foster family who were loving and supportive which made him feel safe and happy. A local authority assessed Zaaki to be 2 years younger

than he claimed, which meant that, as a 16 year old officially, he could not go to school and was taken away from the foster family after 2 years and put into shared supported housing when he officially turned 18. Zaaki was totally unprepared for independent living and was bullied in the shared house. He became depressed and started cutting himself. Zaaki told GDWG that neither social services nor his solicitor gave him adequate guidance or support in his asylum

Recommendation FOR GOVERNMENT

- Stephen Shaw's recommendations on mental health and detention should be implemented without delay and administrative or 'immigration factors' should never take precedence over individuals' safety and wellbeing.
- Adults in detention who arrived in the UK as children should be classed as a potentially vulnerable group generally unsuitable for detention in the Home Office's 'Guidance on adults at risk in immigration detention'. Any current or future assessments and safeguards should consider the dynamic nature of vulnerability in detention, and should incorporate the intersecting dimensions of harm experienced by people in this group.

Summary

GDWG found that young arrivers, who were likely to have substantial networks of family and friends in the UK, faced difficulties in maintaining partnerships and parental relationships in detention. Being detained also had impacts on family members and these issues diminished young arrivers' support networks, leaving them isolated and lonely. Every single participant in this research project reported mental health problems while detained, including eating problems, lethargy, insomnia, bed wetting, depression, anxiety, bi-polar and mood disorders, PTSD, suicidal thoughts and suicide attempts. While suggesting that young arrivers were particularly vulnerable to mental illness in detention, these findings showed Stephen Shaw's recommendations to prevent particularly vulnerable being held in detention were not being implemented.

VI) Coping with detention

As the findings above indicate, finding ways to cope in detention was a huge challenge for young arrivers. Some used drugs which were readily available in detention as a way to escape.

Some days you wish it was just a dream. That's why people bury their heads in Spice, to escape (Anthony, Brook House)

A more common way to cope was by connecting with other detainees and, in one case, guards who also seemed British, establishing collective solidarity and identity in detention.

[Young arrivers] are all from different backgrounds but often identify with each other in detention as they feel British. They tend to hang out with others who seem British (Detention Action)

claim, which led to his DLR expiring and him being detained at his stated age of 17 (19 according to the Home Office). Since being in detention, Zaaki has become more isolated and depressed. He has self-harmed, struggles to regulate his thoughts and moods, wets the bed, has nightmares and breathing problems, and yet is getting no psychological support or appropriate medication. Zaaki told GDWG that he felt half dead and out of control.

"I'm very very sad. Detention is like I'm half alive and half dead. What's going on? People my age are going to college, university. Look what happened to me. It makes me crazy, mad... Sleeping tablets are not enough. I can't control myself"

People group together in here by nationality and ethnicity...people that have been here a really long time, British people, we stick together **(Anthony, Brook House)**

I hung around with the staff. The officers became my friends. They treated me with respect and shared their food with me. The Somalians were freshies. I can't mix with most of them...so the staff were much more similar to me. In prison you can't do that because then you're a snitch. In there it was different **(Ahmed, formerly detained)**

Being seen as British in detention meant that young arrivers often took on helping roles, seemingly better able to navigate the system than other detainees who had arrived in the UK as adults. Feeling able to be of assistance and having a sense responsibility for others counteracted some of the powerlessness that detention usually entailed.

Often [young arrivers] feel more confident in detention because they speak the language well and they think they know their rights. They challenge staff more **(Patrycja Pinkowska, Verne Visitors)**

People often come to me and I help them. I've done detention before and I speak English properly **(Anthony, Brook House)**

[In detention] I try to help the people who need it **(Roshaan, The Verne)**

You often play the role of helping people in detention because you know how things work. Welfare, lawyer, medicine. When there was a riot, I was the one who calmed people down because I could relate and speak to the young guys **(Lee, formerly detained)**

Recommendation FOR SUPPORT SERVICES

- **Efforts should be made to find out whether young arriver clients are taking on helping roles in detention. Where they are, additional resources and support should be provided to help them do this.**

Aside from exercise, going to classes and working on their immigration cases, one of the most important ways to cope with detention for young arriver participants was to connect with people close to them who were not held in detention which prevented being overcome with isolation and loneliness. As detailed previously, contact with families and friends was not always easy to maintain, so volunteer visitors and NGOs were also a key course of support.

I speak to my family every single day and they visit often. They keep me sane **(OJ, Brook House)**

I spoke to my girlfriend a lot...she stuck by me **(Ahmed, formerly detained)**

I didn't find my family but my friends support me which makes me feel better and human again **(Roshaan, The Verne)**

A visitor from GDWG and one friend [help me cope] **(Zaaki, Brook House)**

The only thing that keeps me happy is people like Red Cross, GDWG **(Bidar, Brook House)**

Detention Action saw me once and call me regularly. The biggest thing that helps me is talking to people regularly. People who care, especially my partner **(Christopher, The Verne)**

When people are given...credit to contact families it's very appreciated. GDWG's work is very precious to us. Without them I wouldn't be here right now **(Lee, formerly detained)**

Case study: Coping in detention

C-Five was 10 when his mother put him on a plane from Zaire (now DRC) to escape the beginnings of a brutal civil war. He was met by his father and stepmother who were already living in the UK. C-Five's father abused him and he was put into care when he was 13. He was moved around various children's homes populated with traumatised children where he was given, in his words, 'too much freedom' and very little guidance, going out for days on end and using drugs to cope and forget about how much he missed his mother. When he left care at 18, he began getting into trouble with the police. He was sent to prison in 2016 which triggered a deportation order, and was detained immediately afterwards. C-Five told GDWG that detention had robbed him of mental, physical and spiritual energy,

and relationships with friends and relatives had been so damaged that he felt isolated. He employed several strategies to cope which included accessing support from visitors groups, exercise, meditation, helping others and speaking out against injustice.

"The visitors groups keep us in a family spirit because family were there for you. Just telling us that its gonna be alright is really important...I cope with my situation with gym, books, breathing, controlling your mood, mindfulness, meditation; making plans for helping the community outside stop gang and knife crimes, speaking to people in here a lot and helping them...If I get deported I will speak out about this experience, about Britain, about this discrimination and racism"

Summary

GDWG found that some young arrivers used drugs as a way to psychologically escape from detention. Many coped by connecting with other detainees and guards who, like them, seemed British. Due to their perceived position as British, young arrivers were likely to take on helping roles in detention which counteracted feelings of powerlessness, but the coping mechanism that participants rated as most important was contact and connection with people close to them who were not held in detention.

VII) After detention

The government's latest immigration statistics show that less than half of people held in detention are removed from the UK, calling the use and necessity of detention into question (The Detention Forum, 2017). None of GDWG's young arriver participants were removed during the course of the research. However, one respondent told GDWG that deportation, for his peers, rendered them vulnerable to police brutality, mental health problems, and even death.

I've got at least 10 friends who've been deported to Congo. One died in 2014. One really good friend went mad...they're left with no address or money. The police steal everything. (C-Five, Morton Hall)

Elaine Chase argued that formerly unaccompanied young arrivers usually re-migrated to Europe after deportation because they could not stay in their countries of origin. She believes that the UK shunned responsibility for the uncertain and dangerous lives that this forced young arrivers to lead when subjected to fierce immigration controls outside of the UK.

[Of the 10 people we spoke to who were deported to Afghanistan] one is back in Afghanistan but all the others have re-migrated, one to Pakistan and the rest to Europe...so we know deportation or resettlement doesn't work...we find people who spent their formative years in the UK living precarious lives in Europe, trying to set down firm roots...a few of these young people live in total fear [of immigration authorities]... Throwing [young arrivers] out means that they are then at the mercy of other, often much more brutal,

immigration structures across Europe and beyond, and there is no accountability for this (Elaine Chase, University College London)

Indeed, one participant told GDWG that he planned to return to the UK if deported.

If they deport me, I will see if Taliban kill me. If they don't, I will come back (Bidar, Brook House)

The picture for people who are released back into the UK through bail or temporary admission was similarly bleak¹⁷. Several key respondents told GDWG that young arrivers were not given the support that they needed after release. This included accommodation, financial and practical help.

There are all sorts of problems coming out including accommodation...financial support would be good for released people. As long as they are seen as deportable, their situation will not change because they are seen as on their way out so no one will be engaging with them (Patrycja Pinkowska, Verne Visitors)

[People who were raised in care] are released from detention and told to live adult lives but they don't have the skills (Jess Anslow, Yarls Wood Befrienders)

You get the situation where people are not able to be deported but are left without any public funds (Elaine Chase, University College London)

Some told GDWG that the experience of detention and impact of unsupported release made young arrivers likely to enter or re-enter cycles of addiction and criminality. The isolation, powerlessness and mental health problems that some experienced post-detention, along with possible destitution, made some vulnerable to a return to prison and to detention.

[After getting out of detention] I was really depressed...I started...taking drugs and drinking (Lee, formerly detained)

[They shouldn't] keep someone in detention for years then release you with no job or address. You're going to end up doing crime. There should be a group of ex-detainees who have weekly mentoring sessions and then they help you find a job (C-Five, Morton Hall)

When they leave detention, it can be really challenging to have been here with all these rights they thought they had, then to have been released and to have those rights taken away. They are often released on temporary admission or bail or unlawful detention with conditions so they are separated from their peers and isolated from society. This sometimes leads to going back to prison and detention (Detention Action)

Several participants had already been re-detained, and most frequently worried about being detained again. In the absence of prospects for gaining secure immigration status or citizenship, leaving detention did nothing to change their situation as deportable adults who could be incarcerated again at any time.

Even if you're out on bail, it doesn't make any difference. You sign, you can be put back at any time. It plays on my mind that I could be detained again but now it's in God's hands...there really is no sympathy or understanding in the system here. All I can do is keep fighting and hope (Lee, formerly detained)

[If I was released] I'd be worried because I've seen other people released and then detained again when they have signed 3 weeks later. If they do that, I'd rather not be released at all (Christopher, The Verne)

17. At 52%, these are the most common routes for leaving detention. Less than 1% of people leave detention through being granted leave to remain (The Detention Forum, 2017).

Summary

Findings indicated that the minority of young arrivers who are deported may face difficult and dangerous situations when they return and when they try to re-migrate, including from brutal immigration controls outside of the UK. When young arrivers are released back into the community in the UK, the support they are given is often inadequate and this, combined with the impact of being detained, rendered some vulnerable to criminality, prison and further detention. Most continued to be deportable and for many, the threat of being re-detained was ever-present.

6. Conclusions

The findings of this research indicate that people who arrived in the UK when they were children, whether through birth or migration, represent a hidden but significant group inside IRCs in the UK. Many feel British and are viewed as British by others, but they lack the legal status of citizenship that protects them from detention and deportation. The young arrivers, NGO workers, solicitor, social worker and academic that GDWG spoke to, supported by Home Office paperwork, explained how the care and criminal justice systems that many came into contact with failed to guide, protect and prevent young people, who were usually already traumatised and vulnerable from becoming precarious residents in the UK as adults. This meant that they lacked the citizenship and immigration statuses that would have stopped them from being detained, which was further complicated by problems in age assessment and Home Office applications processes.

In detention, young arrivers were vulnerable to specific forms of harm which included prolonged incarceration and the possibility of being detained when still children. Detention was experienced as a profound challenge to conceptions of identity and belonging, and usually entailed intense shock, which was compounded by the threat of deportation which could be terrifying and unimaginable for young arrivers and their families. While this group were likely to have extensive networks of family and friends who were often British, being detained put strain on these relationships which led to isolation, and compounded the often serious mental health problems that young arrivers were likely to experience while detained. People coped with the impact of detention with drugs, through asserting their Britishness by identifying with others in similar situations, through supporting other detainees and by trying to connect meaningfully with people who were not detained. After detention, those deported could face difficult and dangerous situations, but those released in the UK were not given adequate support, leaving many destitute. Precarious residence continued, with many left in a perpetual state of deportability, vulnerable to re-detention and deportation at any time.

This detailed qualitative research, conducted with a small number of research participants, does not claim a representative picture of all young arrivers in detention. However, the work aids understandings of the complex events that leave this group vulnerable to being detained as well as the specific and, at times, catastrophic types of harm that they experience in immigration detention. It also links those who arrived unaccompanied to those who arrived with caregivers as well as those who were born without citizenship in the UK, showing that they have similar experiences collectively as young arrivers. Due to the shared nature of these experiences across participants, GDWG believes that many other detained young arrivers encounter the same issues, and advocates for further quantitative work on the topic to gain a better understanding of the scale of the problems detailed in this report. In the meantime, GDWG urges the government, local authorities and support organisations to implement the recommendations put forward in this report without delay in order to improve the wellbeing of young arrivers in detention and, importantly, to prevent young arrivers from ending up in detention in the first place. The UK government has made some progress towards ending the detention of children. It must now go further, and commit to ending the detention of people who arrived in the UK as children.

7. Appendix: Research Design

a) Methods and participants

A mixed-methods qualitative approach was used to build a detailed study on young arrivers and immigration detention. Deploying a variety of methods increased potential sites of knowledge production, and this compensated for the difficulties in accessing the inner-workings of IRCs. It also increased the reliability of findings, allowing GDWG to build credible, triangulated qualitative data. The following methods and participants were included:

- In-depth semi-structured interviews with 9 CORE PARTICIPANTS who have experienced detention. Conversations were aided by an interview guide and recorded in written note format. Interviews typically lasted between 1 and 2 hours. 7 of these people were currently held at IRCs which included Brook House, Morton Hall and The Verne, and 2 people had been recently released. 4 interviews took place face-to-face, 3 of which were in IRC visiting rooms and the other was in a public space outside of detention, and 5 interviews were done by telephone. To be included in the research, participants had to be adults but have arrived in the UK when they were under 17 and a half. However, 2 participants in detention were age disputed, and recorded their own ages as 17. All core participants were male.
- Analysis of anonymised information from documents that GDWG already held in its database for core participants. This included documents relating to immigration and bail cases, referral information from other organisations, letters from solicitors, probation services and the Home Office, medical records and reference letters from visitors. In all cases, they supported what participants told GDWG in interviews and where relevant, GDWG included excerpts in the report.
- Short semi-structured telephone interviews with 10 KEY PARTICIPANTS. These stakeholders included representatives from 4 other IRC visitor groups, 3 organisations who work with young arrivers inside and outside of detention, a social worker, a solicitor and an academic. Interviews typically lasted between 30 minutes and an hour. This allowed GDWG to collect accounts from specialists to inform and improve the quality of the report.
- GDWG also attempted to collect relevant numerical and statistical data from its own database, from other NGOs and statistical bodies, and from the Home Office via a Freedom of Information request. GDWG hoped that this would help to establish whether young arrivers were over-represented in the detained population as well as relationships with other variables.

Material was analysed systematically using thematic coding, which enabled a careful, inductive interpretation of data and allowed themes in this report to emerge from what people said. GDWG wanted to allow people's own words, experiences and feelings, rather than GDWG's interpretations, to form the heart of this report.

Core participants were recruited in two ways:

- GDWG's client database: through its drop-in service, data is sporadically collected on clients' date of birth as well as how long they have been in the UK. In consultation with GDWG staff, this enabled the researcher to identify people currently and formerly detained who fit the criteria for the research.
- Other agencies: participants were also recruited through the networks of other NGOs, most notably Detention Action. This helped to expand participation beyond GDWG's client base and thus diversify the sample.

Key informants were recruited through the GDWG's and the researcher's networks.

b) Ethical framework

Since relationships between the researcher and the researched are always 'interleaved with relations of power' (Dowling, 2005, p.23) and as people may experience immigration detention and its aftermath as immensely disempowering and distressing, GDWG developed careful ethical procedures that adhered to current best practice by academics and practitioners in order to prevent harm and redress the imbalances of power that research may create.

As a baseline, the research adhered to the Social Research Association's Ethical Guidelines (2003). It was also informed by the University of Oxford Refugee Studies Centre's Ethical Guidelines (2007) which have been developed for research with refugees, asylum seekers and other vulnerable migrants. The researcher avoided undue intrusion, obtained informed consent, protected the interests of participants, enabled participation, maintained confidentiality and anonymity, and ensured that participants' trust was honoured. In keeping with

methodologies that stress that this baseline of “do no harm” is not [always] enough’ (Hugman et al., 2011), the researcher actively sought to provide tangible support to participants in liaison with GDWG staff and volunteers, and took on casework for participants where needed. It was made clear to participants that support from GDWG would not be affected by their decision to, or not to, participate.

GDWG worked with Professor Michael Collyer from the University of Sussex and Professor Marie-Benedict Dembour from the University of Brighton to ensure that the research met the highest ethical standards. The research proposal was submitted to the University of Sussex’s Social Sciences and Arts Research Ethics Committee to gain ethical approval from a panel of experts. The process took longer than expected and GDWG was forced to proceed before approval was finalised. If time and resource limitations were not present, GDWG expects that academic ethical approval would have been granted.

c) Vulnerability, informed consent and anonymity

While GDWG believes that all detainees are potentially vulnerable due to their incarceration, participants who were particularly vulnerable were not included in the research. GDWG occasionally works with people with severe and enduring mental health problems, and staff sometimes act as litigation friends for those who lack capacity to make decisions to instruct a lawyer. Anyone who was deemed to be lacking capacity to consent as defined in the Mental Capacity Act 2005 was not invited to participate in the research. The researcher worked closely with the GDWG staff team who have extensive experience on mental health and vulnerability to assess whether each individual was suitable for research throughout the course of the project.

GDWG committed to ensuring that participants understood the nature of the project, could provide consent and understood their right to withdraw. An information sheet about the project, written in clear and accessible language was given or read to participants. Since key participants were in positions of relative power and easily understood the implications of being named in research, they were given the option to be identified here by name and/or organisation. For core participants for whom risks of identification could be higher, anonymity was imposed.

Because of the potential vulnerabilities of people in detention, following a standard, singular consent protocol would have been inadequate. Thus, informed consent was obtained for core interviews through a multi-stage, oral (rather than written) process. This procedure ensured that participants were reminded of the research relationship at multiple points, recasting consent as a meaningful process, rather than a one-off event. The need for an oral consent mechanism was informed by the researcher’s previous experience in the sector as well as The Association of Social Anthropologist’s Ethical Guidelines (2011, p.2). Some participants may have had poor literacy, and since border controls always involve significant quantities of paperwork, bureaucracy and form signing may also have particular connotations and potentially arouse anxiety and mistrust.

All data for core participants was carefully anonymised. Names were replaced with secured unique reference numbers, and research data was associated with the corresponding individual through these numbers. No audio or video recordings were made during this project, further reducing risk of participants being identified. All electronic data was stored securely GDWG’s secure password-protected server, and research data and associated documentation will be held securely for 10 years in line with GDWG’s Data Protection Policy.

d) Limitations

- Sample size: the depth and scope of the research was restricted by time and resource limitations. The sole researcher was funded for 6 months, which meant that the work had to be completed within a short time period. While 9 core participants is a number that is appropriate for qualitative case study research (Beitin, 2012, p.244) and that is similar to previous GDWG research (2012), the report could have been strengthened by additional research participants.
- Difficulties in getting quantitative data: a lack of relevant numerical data about young arrivers and immigration detention held by GDWG, other NGOs, the Home Office and others meant that it was difficult to establish whether members of this group are overrepresented in the detained population.
- Not a representative sample: reliance on GDWG’s database and other agencies provided no guarantee that our sample was representative of all young arrivers who get detained, particularly as GDWG was only able to access those who had already sought support from an organisation. GDWG was also unsuccessful in recruiting female participants although attempts were made to do so. Since, according to the latest government figures, around 14% of the detained population in the UK is female (Home Office, 2017c), an obvious weakness is a lack of women’s voices.

References

- ALL PARTY PARLIAMENTARY GROUP ON REFUGEES (APPGR) & ALL PARTY PARLIAMENTARY GROUP ON MIGRATION (APPGM) 2015. The Report of the Inquiry into the Use of Immigration Detention in the United Kingdom. London.
- ALLEN, B. 2008. An analysis of the impact of diverse forms of childhood psychological maltreatment on emotional adjustment in early adulthood. *Child Maltreat*, 13, 307-12.
- ALLSOPP, J., CHASE, E. & MITCHELL, M. 2014. The Tactics of Time and Status: Young People's Experiences of Building Futures While Subject to Immigration Control in Britain. *Journal of Refugee Studies*, 28, 163-182.
- ANDERSON, B., BEINART, S., FARRINGTON, D., LANGMAN, J., STURGIS, P. & UTTING, D. 2005. Risk and Protective Factors. London: Youth Justice Board for England and Wales.
- ANDERSSON, R. 2014a. *Illegality, Inc. : clandestine migration and the business of bordering Europe* / Ruben Andersson, Oakland, California : University of California Press.
- ANDERSSON, R. 2014b. Time and the Migrant Other: European Border Controls and the Temporal Economics of Illegality. *American Anthropologist*, 116, 795-809.
- ARSENIJEVIC, J., SCHILLBERG, E., PONTHEIU, A., MALVISI, L., AHMED, W. A. E., ARGENZIANO, S., ZAMATTO, F., BURROUGHS, S., SEVERY, N., HEBTING, C., DE VINGNE, B., HARRIES, A. D. & ZACHARIAH, R. 2017. A crisis of protection and safe passage: violence experienced by migrants/refugees travelling along the Western Balkan corridor to Northern Europe. *Confl Health*, 11, 6.
- ASSOCIATION OF SOCIAL ANTHROPOLOGISTS OF THE UK AND THE COMMONWEALTH 2011. Ethical Guidelines for good research practice.
- ASSOCIATION, S. R. 2003. Ethical Guidelines. Social Research Association.
- ATHWAL, H. 2015. 'I don't have a life to live': deaths and UK detention. *Race and Class*, 56, 50-68.
- BACHMANN, C. L. 2016. No Safe Refuge: Experiences of LGBT asylum seekers in detention. London: Stonewall UK Lesbian and Gay Immigration Group.
- BEITIN, B. 2012. Interview and Sampling, How Many and Whom? In: GUBRIUM, J., HOLSTEIN, J., MARVASTI, A. & MCKINNEY, K. (eds.) *The Sage Handbook of Interview Research: The Complexity of the Craft*. Second Edition ed. Los Angeles: Sage.
- BHUI, H. S. 2016. The place of 'race in understanding immigration control and the detention of foreign nationals. *Criminology and Criminal Justice*, 16, 267-285.
- BIEHAL, N., CUSWORTH, L., WADE, J. & CLARKE, S. 2014. Keeping children safe: Allegations concerning the abuse or neglect of children in care: Final report. London: NSPCC, .
- BOE, C. S. 2016. From banlieue youth to undocumented migrant: Illegalized foreign-nationals in penal institutions and public space. *Criminology and Criminal Justice*, 16, 319-336.
- BOSWORTH, M. 2014. *Inside immigration detention*, Oxford, Oxford University Press.
- BOSWORTH, M. & KELLEZI, B. 2016. Doing research in immigration removal centres: Ethics, emotions and impact. *Criminology and Criminal Justice*.
- BOSWORTH, M. & SLADE, G. 2014. In search of recognition: Gender and staff-detainee relations in a British immigration removal centre. *Punishment & Society*, 16, 169-186.
- BRIGHTER FUTURES 2013. *The Cost of Waiting: How waiting in limbo for immigration resolution affects the lives of young asylum seekers and young migrants in the UK*. London: Praxis.
- BRITISH BROADCASTING COMPANY 2017. *Don't Deport Me. I'm British*. London: BBC Three.
- BROOKER, S., ALBERT, S., YOUNG, P. & STEEL, Z. 2016. Challenges to Providing Mental Health Care in Immigration Detention. Global Detention Project Working Paper.
- BURNETT, J. & CHEBE, F. 2010. Captive labour: asylum seekers, migrants and employment in UK immigration removal centres. *Race & Class*, 51, 95-103.
- CHASE, E. 2016. The health and wellbeing outcomes of former 'unaccompanied minors': shifting contours of vulnerability and precarity. In: THOMAS, F. (ed.) *Handbook of Migration and Health*. Cheltenham: Edward Elgar.
- CHASE, E., SIGONA, N., CHATTY, D., MELONI, F., HUMPHRIS, R. & ALLSOPP, J. 2017. *Becoming Adult: Researching young migrants uncertain futures* [Online]. University of Oxford University of Birmingham. Available: becomingadult.net [Accessed 02/03/2017].
- COHEN, J. 2008. Safe in our hands?: a study of suicide and self-harm in asylum seekers. *J Forensic Leg Med*, 15, 235-44.
- CONNELLY, E., EADIE, N., MABRUK, J. & MCGINLEY, A. 2015. Rethinking 'Vulnerability' in Detention: a Crisis of Harm Report by the Detention Forum's Vulnerable People Working Group. London: Detention Forum.
- CORAM CHILDREN'S LEGAL CENTRE. 2017. Migrant Children's Project advice & resources [Online]. Available: http://www.childrenslegalcentre.com/index.php?page=advice_topics [Accessed 10/03/2017].
- CRAWLEY, H. & SKLEPARIS, D. 2017. Refugees, migrants, neither, both: categorical fetishism and the politics of bounding in Europe's 'migration crisis'. *Journal of Ethnic and Migration Studies*, 1-17.
- DAILY MAIL. 2016. Another all-male coachload of 'child' migrants arrives in Britain - but officials WON'T say how many there are and WON'T do dental checks to prove they're really children. *The Daily Mail*.

- DE BRUYCKER, P. E., BLOOMFIELD, A., TSOURDI, E. & PÉTIN, J. 2015. Alternatives to immigration and asylum detention in the EU: time for implementation. Brussels: Odysseus Network.
- DE GENOVA, N. 2016. Detention, Deportation, and Waiting: Toward a Theory of Migrant Detainability. Global Detention Project Working Paper.
- DE GENOVA, N. & PEUTZ, N. 2010. The Deportation Regime: Sovereignty, Space, and the Freedom of Movement, Durham, North Carolina, Duke University Press.
- DE GENOVA, N. P. 2002. Migrant "Illegality" and Deportability in Everyday Life. *Annual Review of Anthropology*, 31, 419-447.
- DORLING, K. 2013. Growing Up In A Hostile Environment: The rights of undocumented migrant children in the UK. Colchester: Coram Children's Legal Centre.
- DOWLING, R. 2005. Power, Subjectivity, and Ethics in Qualitative Research. In: HAY, I. (ed.) *Qualitative Research Methods in Human Geography*. Second Edition ed. Melbourne: Oxford University Press.
- DURCAN, G., STUBBS, J. & BOARDMAN, J. 2017. Immigration Removal Centres in England: A mental health needs analysis. London: Centre for Mental Health.
- GARIN, E., BEISE, J., HUG, L. & YOU, D. 2016. Uprooted: The growing crisis for refugee and migrant children. New York: United Nations Children's Fund.
- GATWICK DETAINEES WELFARE GROUP (GDWG) 2012. A prison in the mind': the mental health implications of detention in Brook House Immigration Removal Centre. London.
- GATWICK DETAINEES WELFARE GROUP (GDWG) 2015. Cutting Justice: The impacts of the legal aid cuts for people detained in Brook House and Tinsley House IRCs. Crawley.
- GILL, N. 2009. Governmental mobility: The power effects of the movement of detained asylum seekers around Britain's detention estate. *Political Geography*, 28, 186-196.
- GILL, N., CONLON, D., TYLER, I. & OEPPEN, C. 2014. The Tactics of Asylum and Irregular Migrant Support Groups: Disrupting Bodily, Technological, and Neoliberal Strategies of Control. *Annals of the Association of American Geographers*, 104, 373-381.
- GIRMA, M., KERSHAW, I., LOUSLEY, G., RADICE, S. & WALTER, N. 2015. I am Human: refugee women's experiences of detention in the UK. London: Women For Refugee Women.
- GIRMA, M., RADICE, S., TSANGARIDES, N. & WALTER, N. 2014. Detained: women asylum seekers locked up in the UK. London: Women for Refugee Women.
- GONZALES, R. G. 2011. Learning to Be Illegal. *American Sociological Review*, 76, 602-619.
- GRIFFITHS, M. 2011. Shareholders, Bureaucrats and the 'Queen of Campsfield': An Overview of Administrative Relations at a British Immigration Removal Centre. *LARES*, LXXVII.
- GRIFFITHS, M. 2014a. Men and the Emotional World of Immigration Detention. *Migration: A COMPAS Anthology* [Online].
- GRIFFITHS, M. 2015a. The Convergence of the Criminal and the Foreigner in the Production of Citizenship. In: ANDERSON, B. & HUGHES, V. (eds.) *Citizenship and its Others*. Basingstoke: Palgrave Macmillan.
- GRIFFITHS, M. 2015b. "Here, Man Is Nothing!": Gender and Policy in an Asylum Context. *Men and Masculinities*, 18, 468-488.
- GRIFFITHS, M. 2017. Foreign, criminal: a doubly damned modern British folk-devil. *Citizenship Studies*, 1-20.
- GRIFFITHS, M. B. E. 2014b. Out of Time: The Temporal Uncertainties of Refused Asylum Seekers and Immigration Detainees. *Journal of Ethnic and Migration Studies*, 40, 1991-2009.
- HALL, A. 2012. *Border watch : cultures of immigration, detention and control*, London, Pluto.
- HERLIHY, J., JOBSON, L. & TURNER, S. 2012. Just Tell Us What Happened to You: Autobiographical Memory and Seeking Asylum. *Applied Cognitive Psychology*, 26, 661-676.
- HOME OFFICE 2016a. Immigration Act 2016: Guidance on adults at risk in immigration detention. In: OFFICE, H. (ed.). London.
- HOME OFFICE 2016b. Immigration Rules.
- HOME OFFICE 2017a. Immigration Statistics - October to December 2016: Detention.
- HOME OFFICE 2017b. Immigration Statistics - October to December 2016: Returns.
- HOME OFFICE 2017c. Immigration statistics, January to March 2017: Detention data tables.
- HOME OFFICE. 2017d. National Statistics: Detention 2016 [Online]. Available: <https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2016/detention> [Accessed 06/09/2017].
- HOME OFFICE 2017e. Registration as British citizen: children.
- HUGMAN, R., PITTAWAY, E. & BARTOLOMEI, L. 2011. When 'Do No Harm' Is Not Enough: The Ethics of Research with Refugees and Other Vulnerable Groups.
- JOINT COMMITTEE ON HUMAN RIGHTS (JCHR) 2013. Human Rights of Unaccompanied migrant children and young people in the UK. London: House of Commons and House of Lords.
- KAUR MANN, B. 2014. Reflections on the Carceral Geographies of Detention Centres: A Visitor's Perspective. UCL Migration Research Unit Working Papers, 2015.
- KHIABANY, G. 2016. Refugee crisis, imperialism and pitiless wars on the poor. *Media, Culture & Society*, 38, 755-762.

- KLEIN, A. & WILLIAMS, L. 2012. Immigration Detention in the Community: Research on the Experiences of Migrants Released from Detention Centres in the UK. *Population, Space and Place*, 18, 741-753.
- LAWLOR, D., SHER, M. & STATEVA, M. 2015. Review of Mental Health Issues in Immigration Removal Centres. London: The Tavistock Institute.
- MATTHEWS, A. 2012. Landing in Dover: The immigration process undergone by unaccompanied children arriving in Kent. London: Office of the Children's Commissioner.
- MCGINLEY, A. & OHTANI, E. 2017. Will the government keep its promise to reduce detention of the vulnerable? The Justice Gap [Online]. Available from: <http://thejusticegap.com/2017/05/will-government-keep-promise-reduce-detention-vulnerable/>.
- MCGREGOR, J. 2012. Rethinking detention and deportability: Removal centres as spaces of religious revival. *Political Geography*, 31, 236-246.
- MCGUINNESS, T. 2017. The UK response to the Syrian refugee crisis. London: House of Commons Library.
- MORAN, D., GILL, N. & CONLON, D. 2013. Carceral spaces : mobility and agency in imprisonment and migrant detention. Surrey: Ashgate.
- NASON, N. 2017. Home Office belatedly issues guidance on Operation Nexus. Free Movement [Online]. Available from: <https://www.freemovement.org.uk/home-office-belatedly-issues-guidance-operation-nexus/>.
- OHTANI, E. & PHELPS, J. 2016. Without Detention: Opportunities for alternatives. London: Detention Action.
- PETTITT, J. 2016. Proving Torture, demanding the impossible: Home Office mistreatment of expert medical evidence. London: Freedom From Torture.
- PHELPS, J. 2009. Detained lives: the real cost of indefinite immigration detention. London Detainee Support Group.
- PHELPS, J., ABDAL, DU PREEZ, B., HAMID, KUKA, CARETTE, M., MATTHEW, SHARIF & SOULEYMANE 2014. The State of Detention: Immigration detention in the UK in 2014. London: Detention Action.
- PROJECT FOR THE REGISTRATION OF CHILDREN AS BRITISH CITIZENS 2017. Briefing for Parliamentarians on Home Office Fees for children registering as British citizens. London.
- SANDS, C. 2016. Criminal care: Children's homes and criminalising children. London: The Howard League for Penal Reform.
- SHAW, S. 2016. Review into the Welfare in Detention of Vulnerable Persons: A report to the Home Office.
- SZOPA, A. 2016. Creating a Safe Space: A Woman's Account of Working in Immigration Detention. *Border Criminologies* [Online]. Available from: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/01/creating-safe>.
- THE DETENTION FORUM. 2017. The latest detention statistics show the Government's detention reform remains undelivered [Online]. Available: <http://detentionforum.org.uk/latest-detention-statistics-show-the-governments-detention-reform-remains-undelivered/> [Accessed 03/10/2017].
- TURNBULL, S. 2016. 'Stuck in the middle': Waiting and uncertainty in immigration detention. *Time & Society*, 25, 61 -79.
- TURNBULL, S. & HASSELBERG, I. 2017. From prison to detention: The carceral trajectories of foreign-national prisoners in the United Kingdom. *Punishment & Society*, 19, 135 -154.
- TYLER, I. 2013. Naked protest: the maternal politics of citizenship and revolt. *Citizenship Studies*, 17, 211-226.
- TYLER, I., GILL, N., CONLON, D. & OPPEN, C. 2014. The business of child detention: charitable co-option, migrant advocacy and activist outrage. *Race and Class*, 56, 3 -21.
- UNICEF. 2017. How we protect Children's rights with the UN Convention on the Rights of the Child [Online]. London. Available: <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/> [Accessed 23/3/17].
- UNIVERSITY OF OXFORD REFUGEE STUDIES CENTRE 2007. Ethical Guidelines for Good Research Practice. *Refugee Survey Quarterly*, 26, 162-172.
- VALDEZ, S. & SYMONDS, S. 2016a. British born children entitled to citizenship but caught in an evidence trap. *Legal Voice* [Online]. Available from: <http://www.legalvoice.org.uk/british-born-children-entitled-citizenship-caught-evidence-trap/>.
- VALDEZ, S. & SYMONDS, S. 2016b. British citizenship for young migrants - and 'bad character' provisions. *Legal Voice* [Online]. Available from: <http://www.legalvoice.org.uk/british-citizenship-for-young-migrants-and-bad-character-provisions/>.
- WARREN, R. & YORK, S. 2014. How children become 'failed asylum-seekers': Research report on the experiences of young unaccompanied asylum-seekers in Kent from 2006 to 2013, and how 'corrective remedies' have failed them. Canterbury: Kent Law Clinic, University of Kent.
- WELCH, M. & SCHUSTER, L. 2005. Detention of asylum seekers in the UK and USA: Deciphering noisy and quiet constructions. *Punishment & Society*, 7, 397-417.
- WILDING, J. & DEMBOUR, M.-B. 2015. Whose best interests? Exploring Unaccompanied Minors' Rights through the Lens of Migration and Asylum Processes (MinAs): The UK National Report. Brighton: University of Brighton.
- YEO, C. 2017a. The hostile environment: what is it and who does it affect? *Freemovement* [Online].
- YEO, C. 2017b. How expensive are UK immigration applications and is this a problem? *Free Movement* [Online]. Available from: <https://www.freemovement.org.uk/how-expensive-are-uk-immigration-applications-and-is-this-a-problem/>.