



REVIEW INTO ENDING THE DETENTION OF CHILDREN FOR IMMIGRATION PURPOSES

TERMS OF REFERENCE

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

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

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

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

The Review will consider:

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

The Review will take account of:

- existing international, EU and Human rights obligations;
- the UK Border Agency's statutory duty to make arrangements to take account of the need to safeguard and promote the welfare of children as it carries out its functions (section 55, BCI Act);
- equality obligations;
- current financial constraints;
- the requirement for robust statistical data;
- the need for a risk assessed approach in dealing with individual families; and

- the need for an implementation timetable.

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