

20th June 2019

Home Secretary
Home Office



Dear Home Secretary,

Re: Dungavel Immigration Removal Centre

We are writing to you with regards to concerning reports of the detention of under-18s at Dungavel Immigration Removal Centre in South Lanarkshire.

Our attention has been drawn to figures, brought to light by the BBC through a Freedom of Information Request, which indicate that at least twenty-one young people under the age of 18 were held at Dungavel Immigration Removal Centre between 2010 and 2018. At least five of these young people were aged 16 or younger at the time of detention.

This is a clear contravention of stated Home Office policy. In May 2010 the then-Minister of State for Immigration, Damian Green MP, firmly declared his intention to end all detention of under-18s for immigration purposes. This welcome announcement and guidance issued pursuant to the Immigration Act 2016 indicated that the detention of young and vulnerable people for immigration purposes would come to a definitive end. However, the data uncovered by the BBC would suggest that the practice is ongoing at Dungavel.

As Children's Commissioners, we have statutory duties to protect the rights of children and speak on behalf of those with the smallest voice in society. This includes children and young people held in immigration detention centres across the UK, in circumstances that incur a heavy toll upon their education, mental health and general welfare.

In light of the concerning data from Dungavel, we are firmly urging swift and decisive action to prevent all indefinite detention of children across the UK. We call for the UK Government to meet its legal obligations under the UN Convention on the Rights of the Child (UNCRC) and the European Convention on Human Rights (ECHR).

Every child has a fundamental right to liberty and freedom from detention (Articles 5 ECHR and 37 of the UNCRC). Furthermore, the Committee on the Rights of the Child (CRC) has asserted that the detention of any child because of their or their parents' migration status constitutes a child rights violation and contravenes the principle of the best interests of the child in terms of Article 3 of the UNCRC and the rights of refugee children to special protection in terms of Article 22. In their joint general comment published in 2017, both the CRC and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families affirmed that children should never be detained for reasons related to their or their parents' migration status. Any kind of child immigration detention should be forbidden by law and such prohibition should be fully implemented in practice.

We are therefore seeking urgent clarification on the current position regarding the detention of children at Dungavel and the United Kingdom's compliance with international human rights law.

We ask that you work alongside relevant stakeholders and organisations to develop a fair, compassionate and human rights compliant immigration policy which prevents any child from being detained at facilities such as Dungavel, and also provides the due levels of safety and support these children desperately require of the state.

Detention facilities are, without exception, entirely unsuitable places for any child or vulnerable person to be detained. All refugees and migrants under the age of 18 should be treated, first and foremost, as children.

We look forward to receiving your response as a matter of urgency.

Yours sincerely,

A handwritten signature in black ink, reading "Anne Longfield".

Anne Longfield OBE
Children's Commissioner for England

A handwritten signature in black ink, reading "Bruce Adamson".

Bruce Adamson
Children and Young People's Commissioner
Scotland