

EXPLORING CHILDREN'S EXPERIENCES AND VIEWS OF DETENTION IN IMMIGRATION REMOVAL CENTRES: A PILOT STUDY AT YARL'S WOOD IMMIGRATION REMOVAL CENTRE BY HER MAJESTY'S CHIEF INSPECTOR OF PRISONS

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Abstract

It is a fundamental belief of Her Majesty's Inspectorate of Prisons that administrative detention of children under immigration powers should be exceptional and for the shortest possible period. The conditions for and treatment of the children who experience this form of detention are therefore of great importance in the inspection process. This paper outlines the background to one of the methods the Inspectorate is beginning to use as part of its evidence gathering process. A pilot study was conducted in February 2006 at Yarl's Wood Immigration Removal Centre, and the main aim of this paper is to provide a brief insight into the research and its implications.

Key Words: Immigration, Children, Inspectorate, Detention

Introduction

The needs and rights of children have long been situated at the forefront of debate. The government's 2003 green paper Every Child Matters (ECM) was published in light of widespread recognition of the failure to give precedence to safeguarding children. The paper aimed to address '...the needs of children at risk in the context of the services we provide for them' (Chief Secretary to the Treasury, 2003:6). In terms of children held in immigration detention, the very language of the ECM paper, and its thought provoking references to the Victoria Climbié case¹, only emphasised the perspective that holding children in detention can be potentially damaging.

The objectives of the Every Child Matters paper sit alongside the international law and policy on the needs of children, outlined in the United Nations Convention on the Rights of the Child (UNCRC), and other authors (Amnesty International, 1999a; Sinclair-Taylor, 2000; Crawley and Lester, 2005; Aynsley-Green and Hamilton, 2006). The United Kingdom (UK) entered a reservation into the UNCRC in relation to UK immigration and nationality law. Of course this does not mean that the UK has renounced the primary principles of the Convention: the UK focus is always on safeguarding all children resident in the country. The UNCRC also has to be recognised alongside other international human rights law: Article 8 of the European Convention on Human Rights requires the state to cast a cloak of protection around children. Therefore, these protections, along with the process of independent inspection, can improve the treatment and conditions of children in immigration detention. However, in no way should such protective measures mask the fundamental point that indeterminate detention authorised administratively rather than by a court, is inevitably damaging to children. Too often this urgency is lost in the current political climate. Therefore, inspecting the conditions for and treatment of children in IRCs and other forms of immigration detention, such as short-term holding facilities, is a crucial tool in ensuring the rights of these children are not breached: it is here that the work of Her Majesty's Inspectorate of Prisons comes to light.

Under its remit for inspection, the Inspectorate is committed to assessing and improving the conditions for and treatment of both adults and children in custody: the various 'Expectations'² documents used by the Inspectorate provide the criteria to do this (HMI Prisons 2005a; HMI Prisons 2005b; HMI Prisons 2006). The expectations used in each custody setting are focused around the concept of a 'healthy custodial establishment. These four tests require that all prisoners and detainees: are held *safely*; are treated with *respect* for their human dignity; are able, and expected, to engage in *purposeful activity*; and are prepared for *resettlement* into the community, release or removal. In order to examine each establishment's effectiveness in achieving these four goals, the Inspectorate adopts a rigorous and triangulated methodology, a crucial element of which is a confidential prisoner and detainee survey. The survey provides a unique tool in gauging prisoner and detainee views of the way in which they have been treated and the conditions they are held in: it often reveals vital perspectives that would not be found without speaking to individuals using this systematic methodology. Therefore, the concept of conducting research with children held for immigration purposes grew as an extension of the existing and effective methodological approach; the main aim was to tailor it in light of the unique factors relating to children held in this setting, as highlighted by the previous work of the Inspectorate and other literature.

References to children held in immigration detention have been a crucial aspect of many inspection reports into IRCs and short-term holding facilities, and have directly influenced the pilot work discussed in this paper. A major finding from an inspection in 2004 was that '...the welfare and development of children held at the centre was compromised by detention, and the lengthier this was, the greater the risk' (HMI Prisons,

2005c:5). Whilst the staff at this centre aimed to deliver a good level of care for detainees, the failure of the Immigration and Nationality Directorate (IND), now renamed the Border and Immigration Agency (BIA), to establish protocols for the independent assessment of each child's welfare, resulted in the absence of systems to ensure that children's basic needs were met. This was found to be the case despite the fact that the Inspectorate had recommended such welfare based assessments be established in their last report at this centre (HMI Prisons, 2003). Whilst it is not the aim of this paper to highlight the negative aspects of individual IRCs, or indeed to reiterate the findings and recommendations of various inspections, such examples begin to highlight the distinct, and yet often neglected, needs of children detained in IRCs. The findings at this centre do not stand alone. In another report it was also found that there '...were still no robust systems to ensure speedy independent initial assessments of the children's welfare needs...' (HMI Prisons, 2005d:5). The Inspectorate's reports have also repeatedly called for the welfare of the child to be a specific consideration before any decision to detain is made; and for the independent welfare assessments to be critical in determining whether to sustain detention if it is authorised. This does not happen: indeed, as the Chief Inspector recently told the Parliamentary Human Rights Committee inquiry, in making and sustaining detention decisions 'the child effectively becomes invisible'. This is further exacerbated by the government's rejection of a recommendation made in second joint Chief Inspectors' report on arrangements to safeguard children: the recommendation stated that IRCs should ensure 'a care plan, incorporating good quality health, educational and social care provision, is drawn at the point of detention for each detained child, following an assessment...' (Department of Education and Skills, 2006). The quandary of balancing the promotion of a safe and welfare driven environment, with holding people in detention separate to any need to punish, is a debate that is not carried out transparently, if at all. In view of the consequences of detention of children, the test of necessity would need to be established to a very high level in order to justify the proportionality of detention.

Outside the Inspectorate there have been several focused pieces of work on children held for immigration detention purposes, although these are surprisingly few and far between given the prevalence of the issues involved. Whilst organisations such as Amnesty International have produced an abundance of literature on various breaches of the UNCRC, such as the use of child soldiers and female genital mutilation (Amnesty International, 1999a; 1999b), the limited access to data relating to children held in immigration detention has prohibited research in this area to some extent. Nonetheless, campaign work has been carried out by organisations such as *Chilout*³ (an Australian organisation concerned with getting children out of detention) and *Save the Children* (the *No Place for a Child* campaign⁴) that has begun to further highlight the issues worldwide, and the ongoing work of those such as *Crawley* (2006) who effectively explores the '...growing tension between family law, policy and practice, and immigration law...' (Crawley, 2006:1) in the context of the ECM paper, cannot be ignored.

Research in the UK has outlined the negative impact of extensive periods of time spent in custody; detention and removal; the changes in food; and the lack of a complaints system for children (Aynsley-Green and Hamilton, 2006). Crawley and Lester (2005) highlighted child detainees as having a 'triple vulnerability', with mental, physical and educational factors affecting well-being. Children may experience weight loss and physical deterioration, due to the fact they are forced to follow strict meal times and they lack any control over the food they eat (Crawley and Lester, 2005). Crawley and Lester (2005) also stress how such factors contribute to a sense of displacement children can feel in this setting, furthered by the fact that they have been removed from their familiar education settings. For teenagers in particular, this can come at a time when peer group relationships, often founded in schools, are of vital importance (Crawley and Lester, 2005). Examples of this include one child who was detained days before his GCSE exams, and another who was removed on his way to catch the bus to school with friends (HMI Prisons, 2004; Aynsley-Green and Hamilton, 2006). In another case, a child on the autism spectrum was found to have been detained and not to have eaten for several days (HMI Prisons, 2004). It is unsurprising, therefore, that the clinical world has now begun to recognise the mental health implications of detaining children in this way (Newman, 2005).

Research has also shown that some children held in this manner suffer neglect at the hands of parents and family members who themselves cannot cope with the trauma of detention (Newman, 2005). This is not to suggest that all children in immigration detention suffer abuse of such nature. Rather it is to further highlight that the experiences of children can be complex and of grave importance in an inherently unpredictable environment. The Inspectorate has found several cases in which children are suddenly required to support their parents be it for language or literacy reasons, or because of the trauma and fear experienced by the parents. For example, it was found in one inspection that, due to literacy problems, children were completing health check questionnaires for their parents (HMI Prisons, 2002). Therefore, in an environment where parents are themselves often coming to terms with their situation, relationships between children and staff can be crucial on many levels: if there is the possibility that such relationships are not secure this could leave children in an overwhelmingly vulnerable position. Ultimately, the examples and arguments outlined above reinforce both the necessity of extracting and understanding children's experiences, and the appropriateness of the Inspectorate's methodological approach being tailored to this setting.

Methodological Considerations

The intended methodology for the pilot work revolved around developing the existing methodological approach used by the Inspectorate when carrying out surveys in custodial establishments. Four particular ethical and pragmatic issues were raised in terms of carrying out work with child detainees: child protection; confidentiality; language barriers; and the research tools.

Child Protection

In line with child protection legislation, it was established that each interviewer had an unequivocal obligation to act on information gathered that placed the child at risk. Interviewers informed participants that whilst their questionnaire was confidential it was not anonymous; that is to say, if they were to put anything in the questionnaire that would put them or any other child at risk, they would be identified and further action taken. In light of this, all interviewers were briefed on how to introduce both themselves, and the content of the interview, to children. In appropriate language, the children involved were made aware of the child protection issues, and only when the interviewer was satisfied that the child had understood this did the interview take place.

Confidentiality

It was also vital to consider that children themselves would have concerns about confidentiality when speaking to unfamiliar adults. Therefore, providing children with a comfortable and familiar environment became a crucial element in planning the research. At the heart of this was an acknowledgement that, approaching children directly could make them feel uncomfortable. This is further exacerbated by the fact that parents or guardians, who are themselves feeling vulnerable, may be aggravated by unfamiliar adults approaching and interviewing their children. It was decided that speaking to adults first would help to build relationships and a sense of trust, whilst also gaining their perspective. It was also decided that the interviews would take place in sight of guardians but out of earshot. Again, this was to alleviate unnecessary distress, whilst still maintaining confidentiality. Subsequently, it was hoped that these methods would begin to tackle the salient nature of the age and power relationship between the child and interviewer.

Language Barriers

Many children and adults alike do not have English as their first language. Finding methods to overcome this and establish a best practice protocol became essential. Unlike in many other custodial settings where mobile phones are not permitted in the establishment, they can be used in IRCs; therefore, interpreters in numerous languages can be accessed to aid interviews. Given the nature of this research and the sensitivity of the issues to be covered, an outside interpreter was considered methodologically and ethically favourable, although not practical or realistic. Nonetheless, interviewees were provided with the opportunity to refuse the mobile phone option and indicate their preferred method of communication; an element of flexibility in the protocol for the pilot was agreed.

Research Tools

The factors discussed above hold little weight unless the questions themselves are presented in a way that is conducive to semi-structured discussion with children. In order to aid the shaping of the questions within a restricted time frame, it was decided that children under eight years would not be interviewed. Previous research has highlighted two specific and opposing considerations in developing questionnaires for children:

children appreciate open-ended questions, but do not like to write a great deal (Morgan, 2005). In order to balance these factors, a set of open-ended questions was developed to be administered in interview or questionnaire format, dependent on the choice and age of the child. Additionally, and under consultation with the Commission for Social Care Inspection (now OFSTED), a set of brightly coloured question templates was created, in order to engage the children.

The questions themselves were structured to both fit with the theoretical framework of 'Expectations', and to gain tacit understanding of the meanings children attach to their experiences. The method for structuring the questions was to adapt the line taken in other inspections; the previous work of the Inspectorate provided a solid building block in developing the questions as a tool for open-ended discussions with children. Therefore, appendix 1 shows the questions in the order they were asked. It is important to reinforce here that, whilst the same research tools were used with each child, interviewers were made constantly aware of the differences in approach needed across the age ranges.

Findings

Due to the pilot nature of this work, and the fact it was carried out in the context of inspection, the findings are presented in a brief format, following the structure of the interview and highlighting key themes and patterns. The quantitative findings are given to reinforce the breadth and depth of the qualitative data that was gleaned, as is further shown by the supporting quotes.

About You

At the time of the inspection there were 32 children under the age of 18 at Yarl's Wood. However, 18 of these children were not included in our sample, as they were aged 7 or under. Therefore, the final sample size was 14; equating to 4 children in the 8-9, 10-12 age groups, and 3 children aged between 13 - 15 and 16 - 18.

In addition to the 14 children interviewed, 7 guardians were approached (some of the children interviewed were siblings, hence the difference in numbers) and all agreed to allow researchers to speak to their children. Older children were given the option of filling in the cards themselves; two children chose to do this.

Finally, in terms of the history of the children's experiences of detention, it was found that the average length of time children had been at Yarl's Wood at the time of the interviews was 23 days. However, one child had been there for 112 days.

Activities

Overall, seven children stated that there was enough for them to do at the centre and education was the most frequent answer when children were asked what they did with their time at the centre.

When asked what they did that they enjoyed at the centre, the responses were somewhat limited. Nonetheless, six children highlighted playing outside as being the thing they most enjoyed. One child said that he/she did nothing enjoyable. Responses to what children did that they didn't enjoy were far more in-depth. In total, nine children responded to this question, four of whom referred to the food and the dining experience in general.

Notably, one child referred to the security measures at the centre: 'Too many doors and cameras – always being watched. There are too many searches – staff just come into your room'. Another referred to the school experience: 'I want to go to my real school – not this school. I don't enjoy staying here'. One child stated that they did not enjoy anything at the centre, relating this to the belief that staff wanted to send them back to their country of origin.

You

Eleven children described their feelings on arrival at the centre as negative (frightened, scared or bad in some way). Some of the most disturbing descriptions were given when children were asked how they felt at this point. One 10 year old said: 'Scared: I did not know the place or the people. Upset: I felt like I was in jail'. Another child spoke of being shocked and nervous, and also referred to the centre feeling like a prison.

Two children referred back to their disturbing experiences just before arrival at the centre:

'When they came to house – like an earthquake the way they knock. I think there were 10 of them spread around the house...The way they look at you is like you are a criminal; they had safety jackets and handcuffs, like police and stuff. Not very kind or helpful – like they are going to eat us'.

'Mum collapsed at the airport and the police there laughed at her and said 'nice try'. Immigration officers have been rude to Mum, said that they are "happy to put you in jail, in prison". They are desperate to send us back to our country'.

When children were asked about their feelings at the moment, only four stated that they were happy. All the children were asked in a little more detail about what made them happy or unhappy. The four who had said that they were happy at the moment cited having friends to play with as making them happy. Four other children also responded to this question, highlighting the park, their friends, the mosque and football as making them happy.

Overall, six children said that everything at the centre made them feel unhappy: for example, one child commented, 'most things, mainly the life here'. Another two children mentioned the staff and their attitudes, when asked what made them unhappy. Other examples of comments from children included:

- 'When people hurt me: some other children run around and hit me (bang) probably by accident.'
- 'Being away from London and real things.'
- 'Little kids crying too much. You don't feel like doing anything and it all comes back what happened to you'.

Safety

Significantly, eight children stated that they felt frightened or worried at the centre. The reasons behind feeling like this varied. Two of the children mentioned the officers: 'The officers are tall and scary – their shoes are big and noisy'. Another child reinforced this by stating: '...their [(the officers)] dress makes me think we are in custody'. Another reason given by two other children related to the regime at the centre, and more specifically, the roll count being carried out when they were asleep. However, the highest proportion of children (four) of those who said they were frightened highlighted the fact that they did not want to go back to their country of origin as being behind their feelings of fear.

Children were also asked about what helps them not to feel frightened. Overall, seven said that being with other children or their family helped them to deal with these feelings. This is further reinforced by the fact that the majority of children (thirteen) said they would tell their mother if they felt frightened or worried, and four would tell a sibling.

Three children stated other factors:

- 'Help – if people would come and speak the same language with my Mum – it helps her, so we feel a bit better.'
- 'If there were more people here. Otherwise we just sit here looking at each others faces.'
- 'If I could get all the documents I need to live here.'

However, a further three children stated that nothing would help them alleviate feelings of fear.

Illness

Nine children had felt ill since being at the centre, the majority of whom (eight) had told someone that they had felt ill. Only three of these children had told a member of staff, and this was only a member of healthcare staff on one occasion. The highest proportion of children said that they had told their parents when they had felt ill (five of those who had felt ill).

Three children referred back to their experiences in the escort van when travelling to the centre. For example, one 10 year old said: 'I was sick in the van, but they would not stop the van even to be sick or for fresh air'.

Staff

Overall, eight children reported liking the staff at the centre, many using terms such as 'nice' or 'friendly'; the connotations of which suggest a level of respect in the relationship. For example, one child stated: 'If you ask for something they help; not like the immigration officers who are really rude. The teacher comes to see us if we are not at school'.

However, eight of the children mentioned aspects that they did not like about the staff. The most frequent reason given for this was that the staff shouted: 'This morning they shouted at us, I don't know why. My six year old brother was frightened, we're not criminals'. Two children also referred to staff as uncaring or unkind. However, one child also highlighted the fact that they did not trust the staff because of the role they perceived them as having in terms of immigration: 'I can't like someone who is going to get me killed and they know it'.

Overall Impressions

Many of the answers in this section reiterated what had already been said; however others revealed a little more of the respondents' experiences as children. For example, one 13 year old said that 'there shouldn't be families here. Can't look after children here...what they're going to be thinking in the future will be 'oh we're criminals'. It is not good for children'.

Overall, the fact that children should not be held at the centre was referred to by six children, when asked what they would change if they could change one thing. As one child put it: 'Not good for children here – where's the human rights'.

Methodological Implications

Most prominent from the interviews at Yarl's Wood, was the depth and quantity of data that was collected, and the implications of this for inspection purposes. However, this was only one purpose of the pilot work; it was also designed to be a learning experience in terms of the methodology used. Therefore the key methodological points are discussed below.

Researching Children

It is possible to question the validity of data produced when children are used as research subjects, simply because they are children. Indeed, one perspective is that children lack the knowledge or awareness needed to be effective research subjects, and the inherent power relationships between adult and child can only be replicated and reinforced in researcher-subject relationship. However, the work of other authors in this field, and

those who debate the validity of research with children, remind us that: ‘...it is adults who write about and debate the issues of rights for children [and this]...might be interpreted as symptomatic of the power relationships, which confine children to subordinate roles in their societies’ (Sinclair-Taylor, 2000:21). It is only through discussion with children that we can begin to undo the inherent power relationships that exist; none more so than in a setting where children are being held as if they are prisoners. As discovered, events or environments viewed as logical, or which pass without question amongst adults, evoke a whole range of different and unexpected reactions amongst children. The results of the interviews at Yarl’s Wood certainly highlight this. For example, children referred to aspects such as the ‘big and noisy’ boots worn by the officers, and the fear they can evoke; not information that could be gleaned without speaking directly to the children. This, and the data produced on safety, reinforces the effectiveness of the methodology in achieving one crucial objective of the UNCRC and the Inspectorate: to acknowledge each child’s right to have a voice on issues concerning the

Language Barriers

It was planned in the original methodology that interviewers would approach parents first in order to gain their confidence, and would use a telephone interpreting service Language Line to facilitate this. However, it was found that guardians who did not have English as their first language often preferred their child to translate for them, rather than use the mobile phone. From the Inspectorate’s experience in IRCs, this was a somewhat familiar situation with children of school age, and is likely to be regularly repeated in future work. Certainly, having family members translate is preferable to prematurely terminating the interview and losing what could prove to be valuable and insightful data. Furthermore, even in these circumstances interviewers were able to ensure that the actual interviews took place in-sight but at a distance from a guardian, as best practice would dictate. However, it is vital to highlight that the Inspectorate is constantly aware of the complexity of the parent-child relationship in a setting where individuals are feeling vulnerable and the potential for neglect is evident. Therefore, the Inspectorate is mindful not to put pressure on children to be translators.

Research Tools

The need for fewer or additional questions was also considered following the pilot. For example, it was discovered that several children had been held in detention for long periods of time. This is consistent with the literature used as a background to this work: both Crawley and Lester (2005) and Aynsley-Green and Hamilton (2006) found that children were being detained for excessive periods of time. Therefore, given the future possibilities for this work, closer monitoring of the length of time children are being held in detention will be possible. Additionally, it was felt that adding other questions about children’s experiences before arriving at the centre would act as prompts to encourage in-depth discussion in this area.

Similarly, the results in the illness section of the interview shaped future work. From the limited results gleaned in this section we could simply conclude that healthcare was not a

major area of concern for the children at Yarl's Wood. However, it was notable that the answers given revealed that children relate the concept of 'illness' to simply feeling sick. In short, the terminology leaves little room for exploration of experiences relating to injury (either accidental or through abuse). Therefore, the questions in this section have been adapted accordingly. However, it was noteworthy that of the nine children who reported having felt ill, five chose to tell their parents: this raises the important question of how parents who are unable to communicate with staff due to language barriers were able to deal with this information.

Conclusion

The pilot work at Yarl's Wood has proven to be the first step in developing research to understand the conditions for and treatment of children as immigration detainees in the context of the Inspectorate. The introductory exploration of the literature revealed many factors that can impact upon children in detention; unexpected removal from formal education facilities; language barriers; mental health implications; and living with traumatised parents to name but a few. In light of this, the pilot work itself has reinforced that children deserve a voice in matters that have such immense impacts upon them, and the triangulated methodology of the Inspectorate provides an ideal forum for this. Indeed, the quality of the data produced begins to highlight the usefulness of the interviews as a tool for revealing children's experiences, and the meanings they attach to them. For example, the complexity of the quotes discussed revealed that a sense of displacement is a key theme for children in detention.

Of course the possibilities for conclusions beyond this at this stage are somewhat limited. Certainly, the methodological implications section of this work highlighted that there are still many directions in which the work can progress, and there are likely to be many more as it continues. Nonetheless, this only emphasises the effectiveness of the pilot work at Yarl's Wood in paving the way for future research in this area. Moreover, the work reveals a crucial conclusion with regards to policy: children in immigration detention can be subjected to treatment and conditions that in other circumstances would not be tolerated. The work of the Inspectorate highlights that the welfare of the child and the legal and moral obligation of the State in relation to this should be of primary concern.

End Notes

- 1 Victoria Climbié died in 2000 after suffering months of neglect, abuse and maltreatment at the hands of her carers. The inquiry by Lord Laming following Victoria's death, highlighted the failings of agencies who came in contact with Victoria, and the lack of overall communication between organisations involved in safeguarding children. For more information, please see: <http://www.victoria-climbié-inquiry.org.uk>
- 2 The Inspectorate has three sets of criteria adapted for different custodial settings: 'Expectations', 'Juvenile Expectations' and 'IRC Expectations'. The expectations for short-term holding facilities are an annexe in the 'IRC Expectations'. For further information on 'Expectations' please see our website www.inspectorates.homeoffice.gov.uk/hmiprison/our-work/
- 3 See http://www.chilout.org/information/original_mission.html
- 4 See <http://www.noplaceforachild.org/campaign.html>

Appendix I

About You

How old are you?

How long have you been at this centre?

Who is at the centre with you? [prompts for interviewer – mum, dad, brothers, sisters, grandparents, uncles, aunts, cousins and friends]

Activities

Is there enough to do here in this centre?

What do you do with your time here?

What do you do that you enjoy?

What do you do that you don't enjoy?

Why don't you enjoy it?

You

How did you feel when you first arrived at this centre?

Do you feel happy at the moment?

What things make you happy here in this centre?

What things make you unhappy here?

Why?

Safety

Do you feel frightened or worried at this centre?

What makes you feel frightened or worried?

What helps you not feel frightened or worried?

If you were unhappy, frightened or worried about something who would you tell?

[prompts for interviewer – no-one, mum, dad, sister, brother, other family member, staff, other (specify), childline]

Illness

Have you felt ill since being here?

If so, did you tell anybody?

If yes, who did you tell?

What did they do to help?

If you didn't tell anybody, why not?

Staff

Do you like the staff here?

What do you like about them?

What don't you like about them?

Why?

Overall Impressions

Overall, what do you think of it here?

What do you like the most?

What do you like the least?

If you could change one thing about this centre, what would it be?

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