

# Caged Kids-Caged Minds

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*-Britain's invisible  
handcuffs-*

Talk for Conference  
June 5th 2010

**Holy Apostles Church Hall**

47, Cumberland Street,

London SW1V 4LY

# Sheila Melzak Talk for CRN

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- The Impact of the Asylum Seeking System in the UK on Asylum Seeking Children, Adolescents, Young Adults and Families.

# Introduction

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- This talk will cover:
- The Context
- The Experiences of Children reflected in Narratives and Pictures
- The Research
- The Impact and Consequences of the Asylum Seeking Process on the mental health of Children and Adolescents
- Looking at the Asylum Seeking Process from the Perspective of Children and Young People and their developmental needs. Thinking in Terms of the Best Interests of children, safety and freedom from harm.

# Baobab Centre for Young Survivors in Exile: Our Experience.

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- For the past 21 years I have worked full time as a child and adolescent psychotherapist with asylum seeking and refugee children and adolescents and young adults and their families. In 2008 with colleagues we set up a new and small centre working with young asylum seekers and refugees who are survivors of organised violence. Most arrived in the UK as unaccompanied minors. I have had much experience of the detention of my patients. Since our centre opened I have been asked by legal representatives to prepare detailed reports on the impact of detention on ten children that include the narratives of the children.

# Statistics: Home Office 2009

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- Families detained during the second quarter of 2009  
Children (in families) in detention: 235 children entered detention in the first quarter of 2009; 180 (75%) were asylum detainees. A further 235 children entered detention in the second quarter of 2009; 155 (67%) were asylum detainees. 200 out of 235 children (85%) held in detention in the second quarter of 2009 were under 11 years old. Only 100 of the 225 children who left detention in the second quarter of 2009 were removed i.e. 56 % were released back into the community, their detention having served no purpose. 29% of the 35 children in the snapshot data at the end of June 2009 were in detention for more than 29 days. Children from Zimbabwe, Somalia, Sudan and Sri Lanka, countries notorious for conflict and unrest,



# Disputed Minors 2nd quart 2009

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- 46 detained as adults and 9 shown to be children.
- The issue of bureaucratic errors is significant because of the long term impact of detention on the development of children and young people.

# The Risk of Absconding

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- Children in families and disputed minors are detained as they are believed to be at risk of absconding BUT families with children and unaccompanied minors are very unlikely to abscond as they need the stability of community, school, health care etc. Research is being carried out by BID, soon to be published. Research by MJ looks at negative impact of detention.

Jon Burnett Medical Justice soon to be published.

# Key Concepts

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- In our work at the Baobab Centre our thinking is focused within the context of the United Nations Convention on the Rights of the Child and particularly certain articles that is specifically Articles 3; 22, 37 and 39. The key concepts relevant for our work and enshrined in these articles of the UNCRC are: ‘ **best interests** ’; ‘ **safeguarding** ’; **significant harm**; ‘ **well being** ’; ‘ **protection** ’; ‘ **rehabilitation** ’; ‘ **recovery** ’; ‘ **health** ’; ‘ **dignity** ’; and ‘ **self respect** ’.



**Man owes the child the best we have to give.**Eglantine Jebb 1924

- In our work at Baobab Centre we think especially within our obligations and opportunities as set out in the UN Convention on the Rights of the Child and in particular about Article 39 which addresses the need and right to rehabilitation and a sense of dignity, self respect, protection and health. Relates to Reservation and Safeguarding and Section 55.
- Article 39 states: 'State Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of the child victim of any form of neglect, exploitation or abuse; torture or any other form of cruel and degrading treatment and punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.'

When the care of children is moved from the sole responsibility of familiar and involved carers

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- **How do we ensure that children are safe, free from harm and able to sustain significant attachments?**
- The perspective of Freud, Goldstein and Solnit is helpful in our thinking.
- In their book:  
In the Best Interests of the Child (1986). They were respectively a lawyer, a child psychotherapist and a Paediatrician working together. Multidisciplinary approach. (NB UKBA seems to have no faith in specialist clinicians)

# The Best Interest and the Least Detrimental Alternative

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- A relevant and helpful concept is that of the **‘least detrimental alternative’** a concept that was developed in the work of Freud A; Goldstein J and Solnit A’s on the concept of ‘best interests of the child’ fleshed out in three different books with their reflections on the realities for most minors separated from their families. These writers emphasise the differences between adults’ views and children’s needs.

# The work of Goldstein, Freud and Solnit.

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- The body of their work focuses on the issues of addressing and determining the best interests of children when their care is moved from being the sole responsibility of their parents or substitute carers to the total or partial involvement of the state. Children in Detention are exposed to the state's ideas of reasonable child care. The specific experiences of children in detention illustrates, the ways in which, in a closed institution, a detention centre, it is not possible to safeguard the care of children.



## Consequences of a Sequence of Stressful and Difficult Events over Time.

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- Complex Post Traumatic State Symptoms
- Developmental Symptoms

In our detailed assessment of seven children and three young adults we found all to be suffering from several symptoms in the above categories.



# Complex Post Traumatic State

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- Briere and Spinazolla 2005
- Altered Self capacities, changes in identity, difficulties in caring for self, difficulties in relationships, capacity for affect regulation.
- Cognitive Difficulties eg changes in self esteem
- Mood Disturbance
- Overdeveloped avoidance responses, dissociation and tension reduction
- Somatoform Distress
- Post Traumatic Stress Disorder

# Developmental Issues

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- Changes in behaviour and functioning
- Regression and difficulties in managing feelings
- Difficulties in relationships
- Difficulties in play
- Changes in relationship with parents
- Difficulties in sleeping and bad dreams and nightmares and eating
- Moral and Ethical pre-occupations about injustice/criminalisation, feeling bad, feeling guilty impacts on subsequent development.

# Attachment Issues

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- There is significant research showing that children who see their parents in a helpless and hopeless state can change the quality of their attachments to become disorganized and insecure. Research on Children's observations of Domestic Violence can be generalised  
Kitzmann, Katherine M.; Gaylord, Noni K.; Holt, Aimee R.; Kenny, Erin D. Journal of Consulting and Clinical Psychology. Vol 71(2), Apr 2003, 339-352.
- Also Kilpatrick and Williams (1997) Am Journ OrthoPsychiatry
- Issues of separation

# The Asylum Seeking Process

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- In our assessments of the impact of detention on children we divided the asylum seeking process into several elements.here fourteen. Children may or may not understand something about the asylum seeking process and how and why their parents apply.Young Children NOT.Adols and UASCs maybe.V Stressful Process.
- Application leads to acceptance or refusal.
- Almost all first refusals lead to Appeal.
- Appeals declined may lead to another appeal when errors of law are challenged.
- Errors of fact do not lead to further appeals.
- Exceptionally, an error of fact can amount to an error of law.



# The Dawn Raid

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- ) Where immigration department officials, both male and female, came very early in the morning with the aim of taking failed asylum seeker families/disputed minors into detention. This detention that was a prelude to removal to their country of origin . The children described their experiences of their arrest and their journey to a detention centre. From their descriptions it seems that the immigration department officials had no training in dealing with children. The children were all terrified of officials in uniforms. It seems that the officials assumed that the children were aware of their parent's failed asylum claim. This was in fact usually not the case as the parents had mostly made a decision to protect their children from fear and uncertainty and bad news



# The Journey to Detention Centre

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- ) Many of the children described being forced against their will to sit separately from their parents and next to uniformed officers who were in no way connected to their feelings of terror. They often described wanting to go to the toilet and being hungry and there being insufficient stops for food and WC. Some were shocked to be taken to a police station on the way.

# Aspects of Daily Life in the Detention Centre

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- All described a mixture of fear and indignation at the way that some of the officers behaved towards them and spoke to them. In addition all commented on officers in uniform with keys and rubber batons with metal inside.
- Separation from parents/main carers occurred for all these children as a result of the asylum process. Such separation is not simply profoundly anxiety provoking, the impact for all these children of being forcibly separated from their parents, their main attachment figures, by those who are for the child powerful strangers, has a long term impact on managing their self confidence and self esteem, their trust in others and their sense of hope in the future. These children have all experienced feelings of pervasive helplessness which have persisted long after their detention

# Further Elements of Process

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- **Experiencing the extreme distress of your parents**
- **Experiencing adults in a state of distress**
- **Experiencing your parents as having no power or ability to protect their children.**
- **Experiencing attempts at removal and your parent's resistance.**
- **Being Present at the Break Up of the Peaceful Protest and observing Violence.**

# Is Detention the Least Detrimental Alternative?

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- Challenges to credibility, detention and captivity undermine the dignity and self respect, security and health of significant numbers of children.
- Children under stress need adults to relate to them in a way that is sensitive to their 'special' needs. This is very difficult in a bureaucracy that specialises in policing borders and criminality and that out-sources staffing and health care in detention centres.

# The British Press

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- The British Press reflects the divided views of the population. There is confusion between immigration and asylum. There are articles reflecting people's fears about sharing few resources, fears of being overwhelmed. There are articles that are frankly racist and xenophobic. There are articles about the inhumanity of the asylum system and poignant individual stories. There are articles criticizing the bureaucracy of the system.



# Quote From a Senior UKBA employee

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- “ This problem ,Sheila, can be highlighted as a tension between enforcement of the UK asylum and immigration laws and the safeguarding of children.”

# Policy, Law and Practice

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- I am not going to comment on law and policy and resource issues only about the realities of what happens to children in the system and the short medium and long term impact of this on the present and subsequent development children and young people.
- Whatever our views about what UK asylum and immigration law policy should be at the very least we have to ask the question is it possible to implement this law in a humane way that treats all applicants with dignity and respect?

## The narrative of one child a girl aged nine about detention three years after her long detention

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- **' We were in the detention centre for months. The room was small. My mother had to share a bed with my small brother and I had a bed on my own.'**
  - **'We heard shouting and crying in the night, loud men's voices.'**
- Girl from Uganda'**

**NB this girl was assessed 3 years after a long period of detention**

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- **' People would come and go and we stayed a long long time.'**
- **'When I have this dream, about our time in the detention centre, I am scared. I remember me crying in the night when I have the dream. When I have the dream I feel that I am there now. I think about Yarl's Wood all the time and at the moment this dream comes about once a month.'**

**9 year old from Uganda**

# The Experience of Detention

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- Narrative from March 14<sup>th</sup> 2009
  - a) Yarleswood is really not a nice place. It is like a prison. We were all locked in. It was really not a good feeling being in there. There were so many others there in the same situation as us, so we were all feeling the same as each other.
  - b) It was not a good place to feel settled because there was too much uncertainty. We were all very stressed each day waiting to hear if we were either going to be released or to be sent back to the place we came from . Everyone was asking : Is my flight today? Some people had been there for nine months , there was a family from Congo and I talked to the daughter . We were there for four or five days the first time and for two weeks the second time.



# Fear of Being Forced to Return

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There were lessons but I could not concentrate .In any case the teachers did not know the sort of work that we were all doing as we all came from different schools. Sometimes I went to activities and sometimes I stayed with mum in our room. There were some nice staff who were kind to us and who said things like: You must try to be strong.' Other staff were horrible , they just did their jobs and they did not care about being nice.

We just didn't know what was happening and so it was very hard to feel safe and hard to bear the uncertainty .I hoped very much that we would not be sent back to Ethiopia but just thinking about that got me very scared.

# Difference Between Observable Behaviour and Internal Feelings

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I cried a lot inside me .I felt very tired and stressed and tried not to show my tears to anyone , to control myself. I felt all the time a feeling of fear, a feeling that something bad was going to happen . My mum did not talk much and I did try not to worry or to worry her and to imagine that we would be able to stay in Britain and go home and back to my school.

## Words of girl age ten who now has asylum after her second period of detention

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- **When I try to study now , since our second time in detention, I lose focus. It is very hard to concentrate and to do what I am asked to do. I feel full of feelings anger, fear and confusion. I would really like the government to make a positive decision.**
- **It feels so unjust that they are even thinking about sending us back to a country where we believe we are at risk and where we certainly could not get work so we will survive there.**

## Words of ten year old Ethiopian girl before she was given asylum

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- **Before I went to Yarleswood I was not thinking a lot about injustice in the world and in Britain. Now I am full of worries.**
- **I cry a lot and have many fears inside me. I feel very sad. Even though I cry a lot it makes no difference. When I am with people I cry inside and don't show them what I feel, especially my mother who I don't want to upset. When I am alone like in bed I cry. I cry because things are too uncertain.**



## When we were arrested they wouldn't let me say goodbye to my rabbit.

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- For the children, and in particular for one child, the worst aspect of the experience was not being allowed to say goodbye to her pet rabbit who she had owned and cared for during the past three years. Neither she nor her father, were allowed to go next door as they requested, and ask the next door neighbour to care for the rabbit and feed him as he sometimes did. The officers did not even accept the suggestion that one of them would go to ask the neighbour to care for the rabbit.



# Impact of Early Morning Raid (from legal report)

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- This early morning trauma was compounded by the two officers who went upstairs to wake the girls. The mother had been told that she was not allowed to go up to the children to comfort them and let them know what was happening. These two children had the experience of uniformed strangers entering their bedroom and telling them to pack, They heard the officers say: **'you know what is happening, you are going back to your country, to your home.'**

# Children Taking Care of Parents. Parentified Children

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- This girl showed both how much she cares for her mother and how she became parentified over this period (ie the role of parent and child seemed to reverse). She said in her assessment meeting on Sept 26<sup>th</sup> 2009
- **I thought a lot about what mum and dad were thinking and feeling. My mum rang her sister in London. She cried, she was very sad and very worried. Dad spent a lot of time sorting out paper work. He was very sad.**

**Girl 10 from African country.**

# Notes from Legal Reports

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- The children in both their individual assessments reported what the uniformed officers had said and then separately each said in their separate sessions: **we did not know what was happening.** They felt that they were being treated as criminals. They pointed out that they were scared of the officers and that one sat by the door blocking the door so they couldn't leave the room.(SM 2009)

# The narrative of an age disputed unaccompanied minor detained in Harmondsworth

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- Detention was emotionally, stressful and the psychological difficulty was not knowing where I was and being moved to 3 different detentions, I felt lost, stressed and got feelings of hopelessness. Thank God I'm alive.

**Young man from Uganda assessed by social services as being sixteen and detained for three and a half weeks a few days after assessment.**

# Feeling Like a Criminal

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- She said (very sadly and looking far away with tears in her eyes):
- **They made us feel like criminals. There were long corridors and each door was locked with a key. Everywhere you had to go it always involved keys. You were not allowed to use scissors. They thought we might escape. For example, when one day we were making jewels we had to go to reception to borrow the scissors. In the corridors there were always the cameras following you.**



# Injustice, Guilt and Emotion.

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**This made me feel a bit of guilt that I had done something but I knew I had not done anything. I had no freedom. You don't have freedom to do anything in Yarl's Wood. One day a few of us were playing outside. A few children were out together. A guard came, a man guard and he said: You are not meant to be here without an adult. I was very angry, he just wanted to wind up the children and he told us to go inside. The whole place was a mixture of scary things, frightening things and things that made you very angry.**

# Words of One ten year old who echoed the feeling of all children I spoke to.

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- **We were locked up like criminals. Immigration did not want us, they wanted us to go to our own countries. And it's brown people, most people in Yarl's Wood are brown. The immigration don't like brown people.**
- **'We are invisible to the immigration people. They just want to get rid of us. They don't see us as human and our human story. They just think of us as figures, paperwork, not as people. They don't care! They think it is OK to send us back to our first country!'**

## Child's narrative about break up of parent's peaceful protest in Yarl's Wood IRC

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- The children present at the peaceful protest in Yarl's Wood in June 2009 all experienced the events as violent and traumatic. They were all very shocked. The impact has persisted for ten months with nightmares and intrusive thoughts.

# Important Research

- Lorek et al Child Abuse and Neglect looked at health care and children's health needs.
- Children's Commissioners Report: Challenges to credibility of accounts of detainees.
- HMIP Report: Inadequate care
- Heaven Crawley research: Inadequate Assessment
- Royal Colleges research(recommends Specialist assessment)
- Dr. Emma Philmore (multidisciplinary working together)
- EU researtch on Minors May 2010

# Recommendations

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- Children and Adolescents clearly harmed by certain elements of asylum seeking process.
- Clearly health and development needs not carefully assessed and met.
- We need to see asylum seeking children as children in need, and offer care and support not blame and punish them.
- We need to be IMAGINATIVE and OPEN HEARTED not PUNITIVE and BLAMING and DISBELIEVING



Kapuzinski quoting Levinas about the idea of 'the Other.'

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