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**Locked Up in a Liberal State: A Critical Discourse
Analysis of Parliamentary Debates on the Detention of
Asylum-Seeking Children in the United Kingdom**

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LOCKED UP IN A LIBERAL STATE: A CRITICAL
DISCOURSE ANALYSIS OF PARLIAMENTARY DEBATES
ON THE DETENTION OF ASYLUM-SEEKING CHILDREN IN
THE UNITED KINGDOM

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ABSTRACT

This paper analyses the rhetoric used within UK parliamentary debates on the detention of asylum-seeking children. Their detention exposes a paradox: this practice is a human rights violation, yet the UK claims to be a liberal democracy. The paper asks, why do these practices of detention persist and how do politicians justify this? Through analysing parliamentary debates since 1997, the paper ultimately argues that politicians have sought to disguise this human rights violation using a political rhetoric, which also acts to appease a series of competing interests and actors.

(1) THE DETENTION OF ASYLUM-SEEKING CHILDREN IN THE UK

INTRODUCTION

Over the past few decades, Western liberal states have introduced increasingly stringent immigration controls. This trend is particularly stark in the UK. Since the 1990s, immigration has been at the forefront of the political and public agenda following concerns over the rising number of asylum-seekers. Today, there is a seemingly unquestioned assumption that migration needs to be managed (Gibney, 2004).

One particularly controversial form of immigration control is detention. The number of detainees in the UK increased from 250 in 1993 to 28,900 in 2016 (Schuster, 2003; Home Office, 2016a). Since 1993, the detention estate has expanded significantly from just one to twelve permanent detention sites today (*Appendix 1*). The conditions within these centres typically resemble a criminal justice system, based either in former prisons or other highly securitised buildings with internal surveillance, curtailed communications, head counts and strip searches (Tyler *et al.*, 2014; Bosworth, 2014).

More concerning is almost half of all detainees are asylum-seekers (Home Office, 2017), most of whom have experienced great trauma and hardship, only to face more degrading conditions upon arrival in the UK.

Perhaps most controversial of all is the detention of children. In the 1990s, families with children were rarely detained, yet as many as 772 asylum-seeking children entered detention in 2009 (Home Office, 2016a). In

2010, the government made a pledge to end child detention. Whilst this saw a notable reduction in child detainees, children are still detained and those that escape this fate live with the fear that this exemption no longer applies after their eighteenth birthday.

By delving into the details of law and policy, the detention of asylum-seeking children reveals a paradox. Despite claiming to be a liberal democratic society, the practice of detention in the UK violates several international human rights laws. These laws consolidate the core values that liberal democratic societies claim to adhere to: political freedom, equality and democracy. By undermining these laws, therefore, the fundamental norms of liberalism are also seemingly undermined. This prompts an important question, which forms the heart of this paper: how do politicians legitimise the detention of asylum-seeking children in spite of this international human rights violation? The paper tackles this question by analysing the language used by politicians within parliamentary debates.

Before unpacking this paradox in more detail, I must briefly justify the focus on asylum-seekers. Asylum-seekers refer specifically to those seeking humanitarian protection under the United Nations 1951 Convention relating to the Status of Refugees (Refugee Convention). Within law and policy, a clear distinction is made between asylum-seekers and other migrants, such as those moving to advance their economic prospects. In reality, this binary divide is blurred since the decision to migrate typically involves a mixture of both choice and compulsion (Crisp, 2008; Van Hear *et al.*, 2009). Whilst I fully acknowledge this social complexity, I maintain that it is important to focus on asylum-seekers specifically within this paper since this group are positioned distinctly within law and policy.

I must also explain the focus on politicians. Like any dominant way of thinking, liberal democratic ideology – which advocates political freedom, equality and democracy – permeates through society. Accepting this, one might argue that a useful analysis should account for the whole population and not just the political elite. Whilst accounting for a small minority of the population, however, politicians carry significant power and influence (Van Dijk, 1993; Fairclough, 2010). An analysis of political discourse does not claim to be

representative of the whole population but it does provide great insight into the rhetoric used by this influential group, which in turn influences society more broadly.

THE DETENTION OF ASYLUM-SEEKING CHILDREN: A HUMAN RIGHTS VIOLATION

As stated above, the UK claims to be a liberal democratic society, yet the practice of detaining asylum-seeking children is an international human rights violation. This is particularly clear by examining the European Convention of Human Rights and Fundamental Freedoms (ECHR) and the International Covenant on Civil and Political Rights (ICCPR). For the most part, these international instruments advocate the right to liberty, non-arbitrariness, fundamental fairness and human dignity. As the ECHR outlines (Article 5.1), there are only a few specific exceptions to the right to liberty and security, when detention can be enacted legitimately, including: when a person fails to comply with the condition given in court, when they are suspected to have committed an offence and to prevent unauthorised entry prior to deportation.

Yet the justification for detention under UK law violates these international human rights values. Under the Immigration and Asylum Act 1971, detention can be enacted for administrative purposes, whilst their pending applications are being processed (Schedule 2, Section 16.1). According to international human rights law, however, detention can only be justified in instances of public threat. This means that all administrative detention is effectively a human rights violation. Detention can also be enacted for criminal purposes, when a person has knowingly entered the UK in breach of a deportation order or without leave (Section 24.1). In the UK, children aged 10 and above are criminally liable. Yet the practice of criminal detention in the UK is similarly problematic. Although the Home Office justifies this in terms of public threat, empirical data reveal high compliance rates amongst most detainees (Crawley, 2011; Crépeau, 2012). Data also show that the majority of detainees are eventually released from detention, suggesting that these detainees never posed a genuine threat to the public and were therefore detained arbitrarily (Bloch and Schuster, 2005).

The *conditions* of detention also violate these international human rights laws (Silverman, 2014). Empirical research shows that detention is often undignified, characterised by punitive controls such as head counts, cell searches, strip searches and moderated communication (Bosworth, 2014). Many detainees also

experience a severe decline in their mental and physical health (Cleveland and Rousseau 2013; Dudley *et al.*, 2012; Mares and Jureidini 2004) and many lack adequate legal representation (BID, 2010). These concerns are compounded by the fact that there is no fixed time limit on detention in the UK (Global Detention Project, 2016).

For asylum-seekers, detention is more problematic still. This practice violates the UN Refugee Convention, which precludes the 'illegal' entrance of an asylum-seeker from being a punishable offence (Article 31). The UNHCR Human Rights Guidelines (2012) add the detention of asylum-seekers should be a "last resort" (Guideline 2), restricted only for instances of necessity and for the shortest time possible. The detention of children adds a final layer of concern. According to the United Nations Convention on the Rights of the Child (UNCRC), children cannot be deprived of their liberty, detained unlawfully or arbitrarily (Article 37). Similarly, the UNHCR (2012) states that the ethic of care should drive policy decisions (Guideline 9.2) and asylum-seeking children should "not be detained at all" in principle, especially when unaccompanied.

International human rights law is unique insofar as it is not legally binding until it has also been enshrined into domestic law. The violation of these laws is therefore not strictly illegal as many of these human rights laws have not been implemented within UK law. Yet the crucial point is that if the UK is truly a liberal democratic society, as it claims to be, these international human rights laws *ought* to be legally enshrined into domestic law.

OPPOSING PUBLIC OPINIONS: PUNISHING ASYLUM SEEKERS AND PROTECTING CHILDREN

The paradox of detaining asylum-seeking children in a purported liberal democracy can be explained in part by the unique position of the asylum-seeking child. Whereas the public have viewed asylum-seekers in an overwhelmingly negative light, children have been increasingly viewed as vulnerable and worthy of protection. Since asylum-seeking children are both asylum-seekers *and* children simultaneously, they are placed at a tension point between these two opposing perceptions.

The negative perception of asylum-seekers became prominent in the 1990s. The rising numbers of asylum-seekers entering Europe at the end of the Cold War stirred an initial sense of panic amongst the British population (Joly *et al.*, 1997; Sassen, 1999). This was fuelled by the tabloid press, which was “running vociferous anti-asylum stories” (Anderson, 2013: 56). The figure of the ‘bogus asylum seeker’ became prominent within public discourse, presented as threat to the nation and an economic burden (Bauman, 2002; Bloch and Schuster, 2005). Whilst public opinion is fragmented and complex, this overwhelming sense of negativity has continued today. A recent Ipsos MORI survey found that 34 per cent of the population think that immigration is the most important issue facing Britain, which was higher than any other issue (*Appendix 2*). The 2013 British Social Survey revealed that 77 per cent of respondents would reduce immigration either ‘a lot’ or ‘a little’ (*Appendix 3*) and an earlier Ipsos MORI survey from 2011 found that 56 per cent of respondents would favour reducing asylum seekers specifically (*Appendix 4*).

This negativity has also been consolidated by stringent immigration laws (*Appendix 5*). The Asylum and Immigration Acts 1993 and 1996, for example, saw the withdrawal of many social benefits for asylum-seekers and punished “illegal” migrants, including restrictions to employment (Asylum and Immigration Act 1996, Chapter 49, Section 8), housing (Section 9) and children benefit (Section 10). Despite expectations that the new Labour government would adopt a ‘softer’ approach to immigration, this was not the case. The Immigration and Asylum Act 1999 triggered the development of the detention estate (Silverman, 2014) before the notorious Nationality, Immigration and Asylum Act 2002 gave immigration officers more power over detention decisions at the point of entry (Section 62) (Squire, 2005). These restrictions have continued under the Conservative leadership since 2010. The Asylum and Immigration Act 2014 made it easier to remove those with no right to remain, for example, and the Asylum and Immigration Act 2016 restricted services for those with unconfirmed asylum claims (Global Detention Project, 2016).

Yet simultaneously, the 1990s also marked the beginning of children’s rights as we understand them today. Although this concept first emerged in the UK in the early 19th century, with the probation of child labour, children’s rights entered widespread public consciousness in the 1990s (Scheper-Hughes and Sargent, 1998; Meloni *et al.* 2013). Following pressure from NGOs, the Children Act 1989 legally established the need to

protect children by allocating duties to local authorities as well as courts, parents and other agencies. Only two years later, the UK ratified the United Nations Convention of the Rights of the Child (UNCRC), stressing that the best interest of the child should always be at the heart of decision-making (Article 3). This marked the beginning of a decade of radical transition (Scheper-Hughes and Sargent, 1998). The growing public sympathy towards children has continued into the twenty-first century following public inquiries and child abuse scandals, which have reinforced their “moral obviousness”, innocence and vulnerability (Fassin, 2012: 167).

As I will go onto explain later in the paper, this provides an important context for understanding the political rhetoric within parliamentary debates. In order to appease these complex and competing public attitudes, it has been important for politicians to maintain an *appearance* of sympathy and protection towards children whilst maintaining stringent immigration controls in practice.

MONEY MATTERS: IMMIGRATION POLICIES IN A NEOLIBERAL AGE

The context of neoliberalism is also important for understanding the paradox of detaining asylum-seeking children in a supposed liberal democracy. Since the late 1970s, the UK has been pursuing a neoliberal agenda, characterised by market competition and the privatisation of industry. Within this context, governments have had less responsibility over welfare matters and financial efficiency has become increasingly important within policymaking (Jessop, 2002). This privatisation has influenced the asylum system, which is now dominated by the private sphere (Darling, 2016). This has had three particularly important implications within the context of detaining asylum-seeking children.

First, local governments have been facing dramatic funding cuts, especially since 2010. This is particularly important since local governments have a statutory responsibility to care for accompanied children in accordance with the Children Acts 1989 and 2004. Local governments faced cuts of 20 per cent between 2009-10 and 2014-15 (Innes and Tetlow, 2015). Between 2015 and 2020, local governments are expecting to see a further 77 per cent reduction to their core funding, with local governments receiving £15.7bn less

central government funding by 2020 compared with 2010 (LGA, 2017). By 2020, local governments expect to face a funding gap of £5.8 million, including £2 million in child services (LGA, 2017).

The detention estate has also become increasingly privatised since the 1990s, with four different private firms managing the detention estate today (Global Detention Project, 2016). The practice of detention is incredibly lucrative for these firms (Prison Privatisation Report, 2004), creating an unusual context where it is in the financial interest of detention centres to detain as many people as possible (Bacon, 2005).

The third implication is that civil society faces persistent struggles over funding. Typically, large NGOs rely on funding from the public, the government and private corporations. Given this ongoing challenge, NGOs must often appeal to the interests of their donors and/or the government, which may be in tension with their own core values. Having secured funding, NGOs must then use these limited resources as efficiently as possible, using cost-efficiency calculation. Whilst the central aim may not be to increase profits, many NGOs ultimately run as a business given the practical realities of funding (Tyler *et al.*, 2014).

PARLIAMENTARY RHETORIC: A NECESSARY POLITICAL TOOL?

Taken together, this context – of detention as an international human rights, positioned within a context of divergent public opinions and neoliberalism – collectively brings to the fore the central questions of the paper: why do these practices of detaining asylum-seeking children persist and how do politicians justify this? By critically analysing UK parliamentary debates, this paper ultimately argues that politicians adopt a rhetoric aimed to support an appearance of democratic liberal values whilst simultaneously enabling these restrictive immigration controls to persist. This, I will argue, aims to appease a series of competing tensions and interests between different actors, notably financial incentives and divergent public opinions.

(2) A CRITICAL DISCOURSE ANALYSIS OF PARLIAMENTARY DEBATES

The paper relies upon an analysis of UK parliamentary debates. The Critical Discourse Analysis (CDA) methodology is used owing to its three central aims: it views discourse as a highly political and social process, it focuses specifically on institutional power through elite discourses and it seeks to challenge dominant discourses in the face of social injustice (Van Dijk, 1993; Fairclough, 2010).

Given the applicability of CDA, I have conducted a systematic analysis (Fairclough, 2010). I began by limiting the timeframe from 1997 (the beginning of the Labour Government) to the present day. I then searched for debates on detention within the Hansard Parliamentary archives. First, I used a set of key words to find relevant debates to analyse: 'detention', 'detain', 'detained' or 'detainee'. Within each of these debates, I then narrowed the search to focus on asylum-seekers, by searching for debates with reference to 'asylum-seekers', 'migrants', 'immigrants', 'aliens', 'non-citizens', 'migration' and 'immigration'. Finally, I used a third set of keywords: 'child', 'children' and 'minor'. From this search function method, I collated a total of 37 debates: 19 debates from the House of Commons (*Appendix 6*) and 18 debates from the House of Lords (*Appendix 7*), 15 of which were under the Labour government (between 1997 and 2010) and 22 were under the Conservative leadership (between 2010 and 2017). Whilst all of these debates make reference to the detention of asylum-seeking children, 16 of these debates discussed immigration controls in general, 12 focused on child detention or immigration controls on children specifically, 6 on asylum-seekers or asylum-seeking children and 2 on detention in general.

After collating the dataset, I analysed the debates in respect to the meanings, themes and dominant discourses over time. Having identified a distinct shift in the discourse following the pledge to end child detention in 2010, I will outline the following findings based on two time-periods respectively: the Labour Government between 1997 and 2010 and the coalition and Conservative Governments from 2010. Although the findings are presented with just a few quotes, this represents a wider trend or theme over these two different time periods.

(3) LABOUR LEADERSHIP (1997-2010): DETENTION IN THE ‘BEST INTEREST’ OF CHILDREN

In order to understand how politicians have justified the detention of asylum-seeking children, I will begin by analysing the political rhetoric used during the Labour Government between 1997 and 2010.

CHILDREN WITH FAMILIES: PREVENTING THE SEPARATION OF FAMILIES

For asylum-seeking children with families, as distinct from unaccompanied minors, politicians claimed that detention was necessary in order to prevent separation from their parents. Of the 15 debates during this time period, this claim was repeatedly made within 6 of them, 3 of which were in the House of Lords and 3 in the House of Commons, including:

17 July 2000 – Barbara Roche (Labour): “Children are also sometimes cared for in detention facilities as part of a family unit in preference to separating them from their parents” (Hansard, 2000).

18 July 2001 – Angela Eagle (Labour): “Children and young persons may be cared for in detention centres as part of a family unit in preference to separating them from their parents” (Hansard, 2001)

Politicians also made clear that detention was used only in exceptional circumstances and, when absolutely necessary, children had access to a high quality of care. Of the 15 debates, there were direct references to the child’s safety and well-being in 4 of them and 5 spoke to the exceptionality of detention. Excerpts include:

18 July 2001 – Angela Eagle (Labour): “Unaccompanied minors are detained only in the most exceptional circumstances and then only overnight with appropriate care” (Hansard, 2001).

18 May 2004 – Lord Bassam of Brighton (Labour): “Children in detention are well cared for” (Hansard, 2004a).

Yet, when considering the practical realities of detention, this political discourse is simply rhetoric to disguise this human rights violation. In all liberal democracies, the government relies on votes from the public electorate to vote them into power over another party. Since it is in the interest of politicians to appeal to as many of the electorate as possible, vague rhetoric is used as a powerful political tool to achieve this (Castles, 2004; Czaika and de Haas, 2013).

This is especially important when there are competing actors and interests at play (Castles, 2004). As with any form of policy making, there are multiple different actors involved – including the public, private firms, the government’s treasury, human rights organisations and the media – who have different interests and agendas. These are often conflicting, placing opposing pressure on the government. By using vague rhetoric, politicians aim to appease these divergent interests simultaneously. In the case of immigration detention, there was significant political and economic pressure to enact detention under the Labour government (Welsch and Schuster, 2005; Bosworth, 2008; Silverman, 2014). The interests of three groups of powerful actors were particularly influential.

The financial incentives of the government was one reason. It was in the government’s interest to restrict the number of asylum-seekers since the cost of supporting asylum-seekers and refugees within the UK was estimated to be approximately £1 billion in 2003, accounting for 0.2 per cent of total public expenditure (Sriskandarajah *et al.*, 2005). This fiscal burden was a result of welfare entitlements and working restrictions. These financial considerations heightened further following the global economic crash in 2008, during which austerity measures were implemented (Chote *et al.*, 2010).

Detention was also in the financial interest of private actors. Between 1997 and 2010 detention centres became increasingly privatised, especially following the large-scale growth of the detention estate after 1999. During the Labour Government, the detention estate in the UK was the most privatised in Europe (Nathan 2003). Given that detention became extremely lucrative for firms (Bacon, 2005) – with Harmondsworth turning over £12.18 million in 2002 for example (Prison Privatisation Report, 2004) – the practice of detention continued to proliferate.

The public perception towards asylum-seekers was a third reason. Asylum-seekers became constructed as a threat to cultural order and national identity in the UK, a discourse fuelled by negative media representations (Joly *et al.*, 1997; Calavita, 1998; Sassen, 1999), which meant it was in the interest of the Labour Government to appeal to this ‘moral panic’ (Cohen, 2002) and implement punitive immigration controls.

Yet there was also resistance to this pressure, especially from NGOs. Alongside the development to children’s rights in the late 1980s, children became increasingly associated with a sense of moral obviousness, innocence and vulnerability (Scheper-Hughes and Sargent, 1998; Fassin, 2012). This resulted in a growing pressure from the public to protect innocent children.

In practice, the political and financial pressures to enact detention were more powerful than the resisting pressure from human rights activists, including international governance organisations and NGOs. Yet it became very important for the government to maintain an *appearance* of liberal order in order to appease these competing interests, even when human rights laws were being violated. By framing detention in terms of the best interests for children with their families, I suggest that politicians used this discourse as a political tool to appease this resistance and maintain political power.

UNACCOMPANIED CHILDREN: PROTECTING CHILDREN BY ESTABLISHING LEGITIMACY

During the Labour Government, a similar rhetoric was also used to justify the detention of unaccompanied children. Many Labour politicians framed detention as being in the interest of the child’s safety and well-being in exceptional circumstances. Out of the 15 debates, 4 repeatedly referred to the safety and well-being of the children and 4 discussed the exceptionality of detaining unaccompanied minors, including:

21 July 1999 – Lord Falconer of Thoroton (Labour): *“In certain cases, it may be in the interests of the child to detain him or her for a short period of time until appropriate arrangements are made”*
(Hansard, 1999).

28 October 2004 – Baroness Scotland of Asthal (Labour): *“Unaccompanied children are only detained for their own safety in extreme circumstances, and usually only overnight while alternative arrangements for their care are made”* (Hansard, 2004b).

During this supposedly exceptional measure, there was also an assurance that appropriate care would be given to these children:

16 December 1997 - Mike O'Brien (Labour): *“It is our policy not to detain unaccompanied minors save only in very exceptional circumstances...In the few instances where detention is considered essential, accommodation appropriate to the age of the detainee is provided and a member of staff is appointed to act as a chaperon as necessary”* (Hansard, 1997).

Detention was also justified as a necessary way to assess the age of children. According to the government, in instances of doubt, it was in the best interest of unaccompanied children to have their age assessed in order to provide them with the highest degree of care possible. Out of the 15 debates, this rhetoric was used within 5 of the debates, including:

16 December 1997 – Mike O'Brien (Labour): *“It is perhaps inevitable in these circumstances that there will be some cases where the precise age of the individual is in dispute”* (Hansard, 1997).

21 July 1999 – Lord Falconer of Thoroton (Labour): *“In age dispute cases it is our practice to detain for longer periods only where circumstances demand and we have reasonable grounds for believing that the person is 18 years or over”* (Hansard, 1999).

Politicians insisted upon the need for an objective determiner of child status, despite the acknowledged uncertainties with this method:

21 July 1999 – Earl Russell (Liberal Democrat): *“That means that an independent paediatric examination is the only acceptable way of obtaining real evidence and that the test of “reasonable likelihood” in this amendment, however lacking in certainty, is the best we shall ever get. If it is the best we shall ever get, we had better take it”* (Hansard, 1999).

This rhetoric on age disputation was embedded within a growing ‘culture of disbelief’ during the Labour Government, whereby the status of children was regularly questioned (Crawley, 2007). At its peak in 2006, 2,246 disputes were made (Home Office, 2016a). The Home Office became increasingly suspicious of unaccompanied asylum-seeking children (UASC), especially young adolescent males, since their status as children could not be verified by a parent and many of these teenagers had the appearance and stature of a young adult (Silverman, 2016). As a result, objective age assessments were introduced in 2003 following the Merton guidelines. Two methods of age assessments were used in the UK: “(i) bone age and dental maturity assessment through X-rays and magnetic resonance imaging and ultrasound; and (ii) anthropometric measurements without X-rays, including physical size and sexual development” (Silverman, 2016: 33).

Yet this practice of age detection is itself also a human rights violation, as well as being highly unreliable (Thevissen *et al.*, 2010). Comprehensive empirical evidence suggests that age detection technologies are invasive and may cause physical harm to children (Aynsley-Green *et al.*, 2012), which stands in tension with the need to consider the best interest of the child (UNCRC, Article 3) and their right to dignity (ICCPR, Article 10). In other words, the practice of detention – an international human rights violations – was discursively justified by the practice of age assessment – a second human rights violations – both of which were framed in terms of best interest.

Given this, the question remains: why have these practices of controls persisted? This can be explained in part by the growing financial pressures facing local governments. As mentioned earlier, the local government has had a legal obligation to care for and protect UASC, including appropriate accommodation, education, additional care and welfare support. Given that this support is extremely

costly to the government, it has been in the interests of local governments to conduct these assessments in order to distinguish 'legitimate' children from legal adults and ultimately cut costs. This pressure heightened following the financial crash in 2008, whereby local governments faced dramatic cuts to public spending (Chote *et al.*, 2010).

The rhetoric of age detection also aimed to appease two opposing public attitudes towards children and asylum-seekers simultaneously. Whereas children were deemed to be morally worthy (Scheper-Hughes and Sargent, 1998; Fassin, 2012), asylum-seekers were positioned as undeserving of care and protection (Bauman, 2002; Bloch and Schuster, 2005; Cheong *et al.*, 2007; Anderson, 2013). This seeming need for age detection thus became an important political strategy for politicians by showing compassion for children whilst simultaneously implementing practices of control towards asylum-seeking adults.

(4) CONSERVATIVE LEADERSHIP (2010-PRESENT): 'CARING' ALTERNATIVES TO CHILD DETENTION

The parliamentary rhetoric on the detention of asylum-seeking children changed in 2010 when the Conservative-Liberal Democratic coalition government made a commitment to end child detention. This decision followed significant pressure from NGOs, supranational governance bodies and the public (Silverman, 2011). The OutCry campaign, for example was one particularly influential campaign, run by charities the Children's Society and Bail for Immigration Detainees (BID). Moving away from a discourse of 'best interest', this new wave of parliamentary rhetoric focussed on caring alternatives for both children with families and unaccompanied children, a trend that has continued under the current Conservative Government.

CHILDREN WITH FAMILIES: THE ASSISTED VOLUNTARY RETURN FOR FAMILIES AND CHILDREN (AVRFC)

For children with families, the Assisted Voluntary Return for Families and Children (AVRFC) scheme was publicised as a desirable alternative to detention. Established in April 2010, the scheme offered a cash relocation grant of £500 per person and a reintegration assistance grant of up to £2,000 per person

(Webber, 2011: 100-1). Within political discourse, the scheme was presented as a caring alternative to detention, which promoted dignity. Out of the 22 debates analysed between 2010 and 2017, 3 of the debates focussed specifically on this matter, including:

17 June 2010 – Damian Green (Conservative): *“We want to replace the current system with something that ensures that families with no right to be in this country return in a more dignified manner”* (Hansard, 2010a).

11 October 2010 – Baroness Neville-Jones (Conservative): *“We are going to keep this promise [to eliminate child detention]. We are trying to go upstream of the previous procedures for requiring families to leave by encouraging voluntary return”* (Hansard, 2010b).

This new programme was also framed as giving families autonomy over their decision-making:

17 June 2010 – Damian Green (Conservative): *“The starting point—and what I hope will become the standard—would be a much more clearly identifiable transition from a voluntary departure to an enforcement approach that is shaped by the family’s own approach to their situation”* (Hansard, 2010a).

01 December 2010 – Baroness Neville-Jones (Conservative): *“We are endeavouring to introduce means by which we can encourage families to return on a voluntary basis”* (Hansard, 2010c).

Yet the focus on ‘caring’ and ‘dignified’ alternatives to detention was also ultimately a political discourse. In spite of this seemingly promising political commitment, detention has persisted, with 242 children still being detained in 2012 and 71 in 2016 (Home Office, 2017). Not only has the detention of families persisted but this alternative to detention is also a violation of international human rights law. Whilst this scheme has been presented as a win-win programme – both assisting asylum-seekers and meeting government targets to reduce the number of asylum-seekers – the AVRFC also violated human rights

law. The UNHCR (1996) states that the “principle of voluntariness is the cornerstone of international protection with respect to the return of refugees”, necessitating both informed and free choice. The use of voluntary returns may therefore be normatively justified when a failed asylum seeker autonomously chooses to leave the country, having clearly understood their legal options. Yet in practice the AVRFC appears to be a form of forcible removal since many failed asylum-seekers are essentially coerced into signing up for the programme following threats to cut essential services (Black *et al.*, 2011).

The persisting problems associated with the AVRFC programme can be explained in part by the financial pressures facing the government. The Facilitated Returns Scheme (FRS), another voluntary removal scheme in the UK, reportedly saved the government approximately £14 million per year, alluding to the financial incentives to be gained from these schemes (Homer, 2010 cited in Webber, 2011). This problem has been exacerbated by dramatic cuts to legal aid, following the Legal Aid and Sentencing and Punishment of Offenders (LASPO) Act in 2012, which left tens of thousands of asylum-seekers without access to legal assistance and thus unable to make informed decisions about their legal options (Drennan, 2013).

As a result of these pressures to control migration, even the alternative to detention has violated international human rights laws. As in the case of detention, I suggest that political rhetoric has been used as a tool to detract from this violation and appease a series of competing interests. Indeed, this governmental pressure to control migration acts works in contrast with the pressure to adhere to liberal norms – including the healthy development of children (UNHCR, Article 12) and the prevention of the separation from parents (UNCRC, Article 20) – as well as public perception of children as deserving of protection and care (Cree *et al.*, 2012; Fassin, 2012). By using a rhetoric of care and dignity, the government has sought to continue immigration control whilst also appeasing any potential resistance to this.

CHILDREN WITH FAMILIES: CEDARS PRE-DEPARTURE FAMILY ACCOMMODATION

A second alternative to detention for children with families was the Cedars Pre-Departure accommodation. Established in 2011, the Cedars accommodation – an acronym for ‘compassion, empathy, dignity, approachability, respect and support’ – was a joint collaboration between the UK

government, the private firm G4S and the UK children's charity Barnado's, with the aim to provide caring conditions and instigate dignified removals (Tyler *et al.*, 2014). Out of the 22 debates, 4 focussed specifically on Cedars, 3 of which took place in the House of Commons, including:

17 June 2010 – Damian Green (Conservative): *“We want to replace the current system with something that ensures that families with no right to be in this country return in a more dignified manner”* (Hansard, 2010).

03 March 2014 – Baroness Hamwee (Liberal Democrat): *“The care that is given [at Cedars] and the thought that goes into the preparation impressed me very much”* (Hansard, 2014b).

This assertion of care must be problematized, however. Admittedly, compared with other detention centres, the Cedars accommodation did appear to offer a higher quality of care. The Home Office commissioned review on the detention of vulnerable people in 2015 – the Shaw Review – declared the centre to be outstanding, offering quality care and dignity to children (Shaw, 2015). There was also a 72-hour time limit imposed on family detention in the centre, which appears to adhere to the principle of non-arbitrariness and dignity. In spite of these claims, however, it is also important to remember that Cedars was still a detention centre. Asylum-seeking children and their families were denied their right to liberty in these centres. Forcible removals persisted under degrading and humiliating conditions. An official HM Revenue and Customs (HMRC) review (2012) even reported one particularly concerning incident when a pregnant woman had been forcibly removed, posing a risk to her unborn child, and a separate incident when six families were forcibly deported using handcuffs. Whilst Cedars may indeed present a positive shift, therefore, human rights violations have undoubtedly persisted.

The decision to close the Cedars accommodation in July 2016 is also revealing. This decision followed the Shaw Report, which recommended the immediate closure of the facility on the basis that it was not cost effective and thus a poor use of public finance (Shaw, 2015). The facility was later closed in December 2016. This unsettles the claim that care was the most important factor and rather alludes to

the fact that economic viability was ultimately a more important motivation. This also leaves serious concerns over the new pre-departure accommodation for families within Tinsley House Immigration Removal Centre, which is widely understood to be of a lower quality to Cedars (The Detention Forum, 2016).

The role of the children's charity Barnado's is also illuminating here. Whilst Barnado's claimed that this was a high quality service, their critics suggested that this involvement showed their support of child detention, which goes against the core values of care and protection that the charity claims to adhere to (Tyler et al., 2014). One explanation for this controversial involvement links to nature of charitable funding. Given that the Home Office is one of Barnado's biggest donors, the charity cannot act fully independently from the government. The ultimate closure of the facility can also be explained in part by their ongoing struggle for funding, meaning that cost-efficiency inevitably became central to their decision-making process.

Whilst the Cedars accommodation was a notable improvement in respect to the quality of conditions, these benefits seem to be overemphasised. The ultimate closure of the facilities also makes clear that the financial incentives were ultimately a more important factor, both for the government and for Barnado's. The discourse of care was, therefore, used by politicians to mask these human rights violations and the financial motivations underpinning the Cedars accommodation.

UNACCOMPANIED CHILDREN: CARE FROM LOCAL GOVERNMENTS

Politicians claimed that the local government would care for unaccompanied asylum-seeking children (UASC). Since UASC cannot be forcibly deported and relatively few leave voluntarily, local governments have a duty to safeguard and promote the welfare of children within their local area in accordance with the Children Acts 1989 and 2004. Children under 16 are typically placed in foster care or in a children's home, and those between 16 and 18 are in living arrangements with more independence (Department for Education, 2014). Detention is often deemed to be a short-term necessity when accommodation is not available within the local community. This may help to explain why Conservative politicians have

acknowledged the increasingly important role of the local government. Of the 22 debates during this time period, 4 focussed specifically and directly on the heightened role of local governments, including:

***17 June 2010 – Damian Green (Conservative):** “As he said, local authorities will have statutory responsibilities for such children and will therefore have views about how best we can and should proceed, so I will very much welcome their input into proceedings” (Hansard, 2010a).*

***08 February 2017 – Robert Goodwill (Conservative):** “To further support the transfer arrangements and underline our commitment to unaccompanied asylum-seeking children, the Government significantly increased the funding it provides to local authorities who look after unaccompanied asylum-seeking children” (Hansard, 2017b).*

Yet this discourse masks the traumatic practices of control facing children. As already alluded to, the practice of age detection is a human rights violation, characterised by invasive methods that cause significant stress to children (Crawley, 2007). Although age detection methods reduced considerably after 2010, the influx of asylum-seekers fleeing from Syria to Europe in September 2015 saw a re-emerging culture of suspicion and the heightened use of age detection, increasing from 1,945 cases in 2014 to 3,043 in 2015 (Home Office, 2016a). Crucially, 2,755 of these children were male and 1,713 claimed to be between the ages of 16 and 17 in 2015 (Home Office, 2016a), also alluding to the troubling gender bias involved in the process.

Similarly, this rhetoric of care masks the problems children face as they ‘age-out’ of childhood. Indeed, whilst the local government is obliged to provide care for children, this welfare support diminishes as the child turns 18, including financial allowances, entitlements to accommodation, healthcare and other welfare benefits (Silverman, 2016). At this point, young adults must apply for extended leave to remain in the UK, the majority of whom are turned down (Silverman, 2016). Following the threat of deportation, many young adults thus go underground at this point, becoming undocumented and extremely vulnerable (Silverman, 2016). Between 2009 and 2015, 605 asylum-seeking children were

deported to Afghanistan after they turned 18, despite having completed their schooling in Britain, developed close relationships with friends and their foster families (The Bureau of Investigative Journalism, 2015).

This practice of control can be explained in part by the high cost of child welfare within a context of heightened financial pressure and cuts to local government spending. With more than 4,000 unaccompanied asylum-seekers under the care of the local authority in the UK (Children's Legal Centre, 2017), local governments have been struggling to meet welfare needs (Innes and Tetlow, 2015). This abrupt transition at the age of 18 – whereby former children are no longer entitled to conditions of care – is also fuelled by the deep-rooted social perceptions that asylum-seekers are threatening and undeserving whereas children are vulnerable and in need of protection. The discursive focus on local care therefore appears to mask the distinct lack of care offered to children and those transitioning from childhood to adulthood in practice.

Rather than solving the problem, the commitment to end child detention has simply shifted the problem. Whereas politicians under the Labour Government focussed on a discourse of 'best interest' to legitimise controls, politicians have adopted a discourse of care and agency since 2010. This discourse is, I have argued, a highly political tool, which seeks to maintain an appearance of liberalism whilst appeasing the financial interests of the government, private detention corporations and the public.

(5) A HIERARCHY OF MORALITY

Whilst I have referred to clearly identified groups and actors for the sake of clarity, it is important to acknowledge that the reality is far more complicated than these clear demarcations suggest. One aspect that warrants unpacking further is public opinion. Whilst this analysis often implies that the British public have collectively developed both increasingly negative attitudes towards asylum-seekers and unquestioned sympathies towards children, it is important to stress that the British public do not have a united view on these topics; these sentiments only represent an overall trend. Indeed, these trends align with surveys that point towards an overwhelmingly negative attitude towards migrants in the UK (*Appendix 2,3,4*), a trend that has been developing since the turn of the century (The Migration Observatory, 2016). Psychological studies have also shown that migrants are often associated with feelings of 'disgust' whereas children trigger feelings of 'pity' (Fiske *et al.*, 2002; Lee and Fiske, 2006; Cuddy *et al.*, 2008). This is, however, simply a generalisation of a complex reality.

It is also important to note that, even when focussing on this majority perspective, a clear moral divide between the asylum seeker as undeserving and the child as deserving is also an over-simplification. The unique position of the asylum-seeking child – as both a threat and a 'moral touchstone' (Cree *et al.*, 2012: 432) – establishes a blurry and complex moral assignation of the asylum-seeking child. This suggests that moral worth is not articulated as a clear binary but, rather, within a hierarchy of morality. In respect to migrants and children, three hierarchies of morality can be deduced: adult asylum-seekers are positioned as the most unworthy, adolescent children are situated within an ambiguous ground, treated with both sympathy and suspicion, and young children are viewed as unequivocally worthy of protection. This hierarchy of morality is complicated further when other factors such as race and gender are considered – a topic which is beyond the scope of this paper.

(6) CONCLUSION

Since the 1990s, political discourse has been used as a façade within parliamentary debates, masking the international human rights violation associated with detaining asylum-seeking children. By analysing the discourses of parliamentary debates since the beginning of the Labour government in 1997, I have ultimately argued that discourse has been a political tool used by politicians to claim adherence to liberal values and international human rights, whilst simultaneously enabling the proliferation of immigration controls that violate these values. The persistence of controls can be explained largely by the power of neoliberalism, including the privatisation of the detention estate, the cuts of local government funding and the commodification of NGOs. Yet given these controversial immigration policies, this rhetoric acts as an important way to maintain an appearance of liberalism in order to appease other key actors, such as NGOs and the public, many of whom are sympathetic towards children in particular. The commitment to end child detention marked a pivotal moment, shaping the political discourse. Between 1997 and 2010, the Labour Government justified child detention in terms of the child's 'best interest', whereas from 2010 the rhetoric focussed on finding caring alternatives to detention. The persistence of these immigration controls throughout this time period can largely be explained by the unabated power of capitalism and financial interests.

POLICY SOLUTIONS TO OVERCOME THE LIBERAL TENSION

How can these findings be used to enact changes in policy? The research points towards two political realities: policies are typically driven by financial considerations and public opinion influences policies. With this in mind, I suggest two possible avenues for productive change.

Given that financial efficiency plays a central role within decision-making, effort needs to be channelled into understanding detention as an inefficient use of government resources. This should be achievable given that detention is a very expensive process, costing approximately £86 per person per day in the UK (The Migration Observatory, 2017) and wasting the government approximately £70 million each year on unnecessary long-term detention (Marsh *et al.*, 2012). By building upon these studies, and conducting more

up-to-date and comprehensive research on the cost-benefit analysis of detention policies in the UK, pressure can be placed on the government to reconsider the need for these immigration controls. This financial focus is likely to continue in line with cuts to local government funding and further pressure on the welfare budgets (Home Office, 2016b).

Secondly, public opinion clearly matters (Hampshire, 2013). A shift away from detention, and other punitive immigration controls, therefore requires a heightened appreciation of the value asylum-seekers bring to UK society, in respect to cultural diversity, for example. Discourse is a self-perpetuating cycle, whereby the discourse used by political elites informs public opinion and vice versa (Picard, 2014). Whilst enacting discursive changes is inherently difficult, the paper suggests that pressure should be placed on politicians to recognise their social responsibility and begin away from this misleading rhetoric. This is particularly important within a context of persistent stigmatisation today, including the public debates surrounding the referendum result for Britain to leave the EU. In the interest of re-establishing a liberal democratic society, the need to combat this social prejudice is a matter of great urgency.

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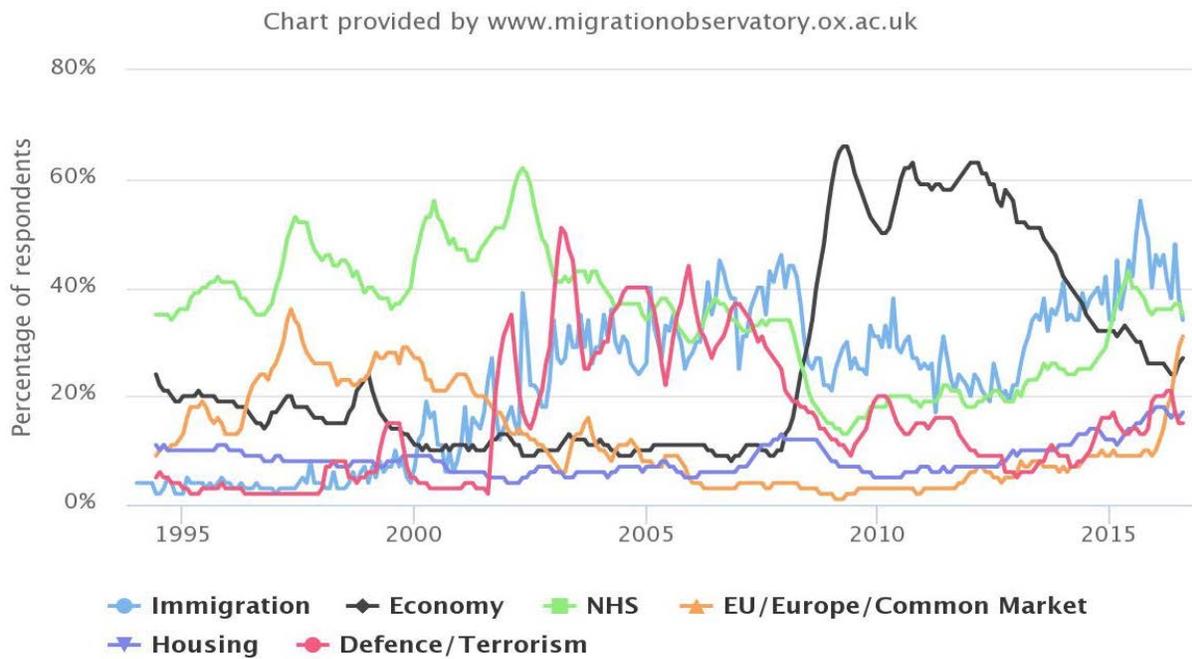
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APPENDICES

APPENDIX 1: UK DETENTION CENTRES

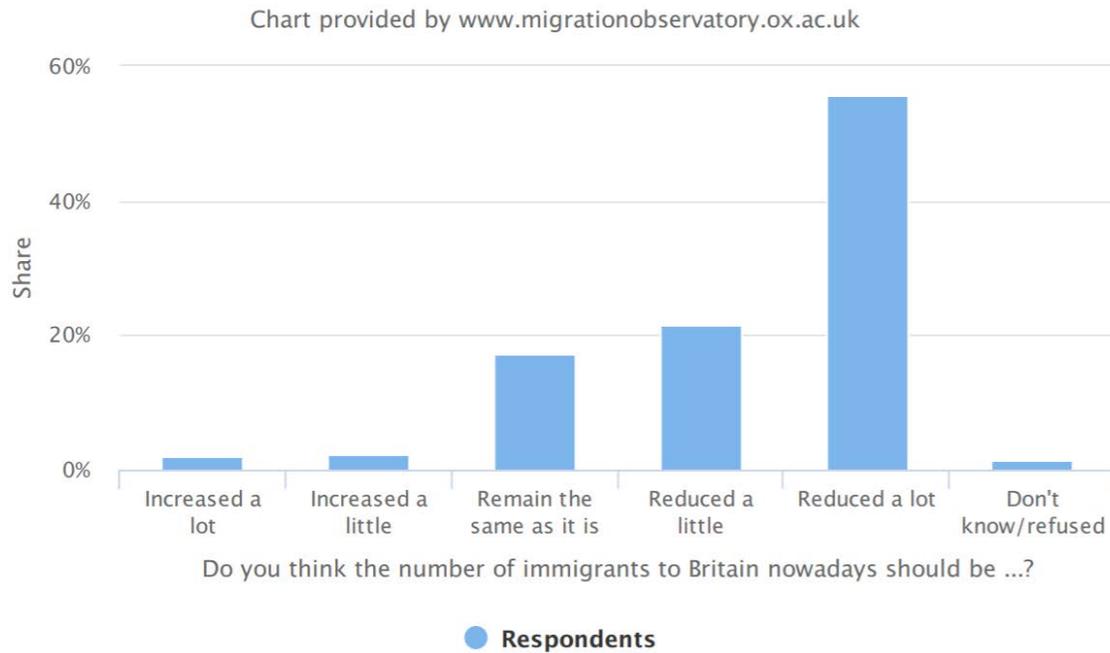
Detention Centre	Year of Construction	Use Today
Campsfield House	1993	In use
Tinsley House	1996	In use
Oakington	2000	Closed/detention suspended
Lindholme	2000	Closed/detention suspended
Harmondsworth	2001	Closed/detention suspended
Yarl's Wood	2001	In use
Dungavel	2001	In use
Haslar	2002	Closed/detention suspended
Dover	2002	Closed/detention suspended
Colnbrook	2004	Closed/detention suspended
Pennine House	2008	In use
Brook House	2009	In use
Morton Hall	2011	In use
Larne House	2011	In use
The Verne	2013	In use
Cedars	2014	Closed

APPENDIX 2: IMMIGRATION AMONG THE PUBLIC'S MOST IMPORTANT ISSUES



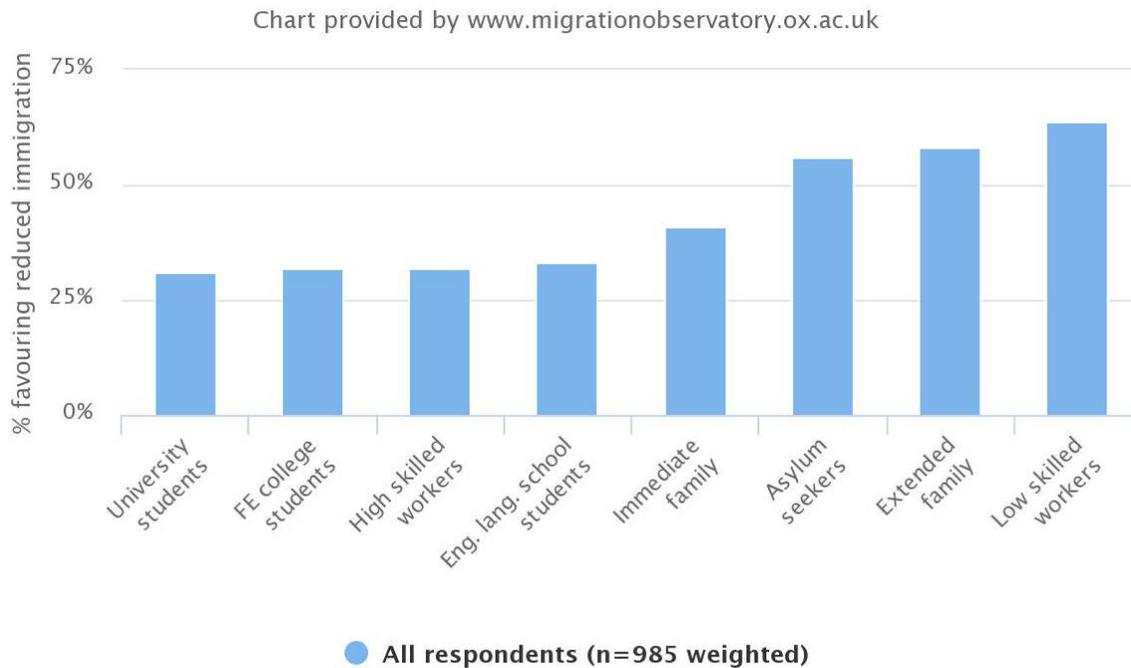
Source: Ipsos-MORI Issue Index

APPENDIX 3: PREFERENCES FOR LEVEL OF IMMIGRATION TO BRITAIN



Source: British Social Attitudes Survey, 2013

APPENDIX 4: ATTITUDES TO REDUCING IMMIGRATION: IMMIGRANT CATEGORY



Source: Migration Observatory/Ipsos MORI, 2-8 Sep 2011. See tables 8 and 9, Appendix A

APPENDIX 5: UK IMMIGRATION ACTS

Date	Immigration Act	Key features
1971	Immigration Act	<ul style="list-style-type: none"> - The legislative introduction of criminal detention: when a detained refuses to leave, has entered illegally or risks absconding - The legislative introduction of administrative detention: powers given to immigration officers
1993	Asylum and Immigration Appeals Act	<ul style="list-style-type: none"> - The fingerprinting of asylum-seekers - Further penalties given to undocumented migrants
1996	Asylum and Immigration Act	<ul style="list-style-type: none"> - Accelerated the appeals process, withdrawing social benefits and preventing asylum-seekers from working
1999	Immigration and Asylum Act	<ul style="list-style-type: none"> - The expansion of the detention estate
2002	Nationality, Immigration and Asylum Act	<ul style="list-style-type: none"> - Establishment of IRCs, which became preferable to local community solution - The Secretary of State was given more power over detention decisions and the control of entry - Asylum-seekers with leave to remain could be detained - Introduction of the Detain Detained Non-Suspensive Appeals process (DNSA), which withdrew automatic, periodical bail hearings
2004	Asylum and Immigration Act	<ul style="list-style-type: none"> - Decertified failed asylum-seekers with dependants from welfare support
2006	Immigration, Asylum and Nationality Act	<ul style="list-style-type: none"> - Immigration officials at ports of entry could detain any arriving passenger in order to verify documents - Biometrics were incorporated into the asylum system
2007	Borders Act	<ul style="list-style-type: none"> - Expanded immigration officers' discretionary powers of search and arrest and detain and deport - Enabled biometric recording to be taken at any stage of the immigration application processes
2009	Borders, Citizenship and Immigration Act	<ul style="list-style-type: none"> - Weakened the legal status of immigrants, making it more difficult to obtain British citizenship - Lengthened the acquisition period and denying full citizenship rights to those with criminal convictions
2014	Immigration Act	<ul style="list-style-type: none"> - Enabled the removal of those with no right to remain with no further notice or right of appeal
2016	Immigration Act	<ul style="list-style-type: none"> - Further restrict access to services for undocumented migrants, as well as support for migrants whose asylum claims had been unconfirmed

Source: Global Detention Project, 2016

APPENDIX 6: HOUSE OF COMMONS DEBATES

Date	Title	Main Theme
16 December 1997	Immigration Detainees (Minors)	Child Detention/Immigration Control on Children
01 April 1998	Asylum-seekers	Asylum-seekers/Asylum-Seeking Children
17 July 2000	Asylum-seekers (Written Answers)	Asylum-seekers/Asylum-Seeking Children
18 July 2001	Asylum-seekers (Written Answers)	Asylum-seekers/Asylum-Seeking Children
12 April 2002	Asylum-seekers (Written Answers)	Asylum-seekers/Asylum-Seeking Children
12 June 2002	Control of Entry to United Kingdom	Immigration Controls/Immigration Bills
19 April 2004	Asylum-seekers (Children) (Written Answers)	Asylum-seekers/Asylum-Seeking Children
17 June 2010	Alternative to Child Detention	Child Detention/Immigration Control on Children
12 December 2011	Immigration	Immigration Controls/Immigration Bills
22 October 2013	Immigration Bill	Immigration Controls/Immigration Bills
11 December 2013	Immigration	Immigration Controls/Immigration Bills
30 January 2014	Immigration Bill	Immigration Controls/Immigration Bills
10 September 2015	Immigration Detention	Detention
16 January 2016	Immigration Detention – Response to Stephen Shaw’s report into the Welfare in Detention of Vulnerable Persons (Written Answers)	Child Detention/Immigration Control on Children
09 May 2016	Immigration Bill	Immigration Controls/Immigration Bills
21 July 2016	Cedars pre-departure accommodation (Written Statement)	Child Detention/Immigration Control on Children
01 November 2016	Safeguarding unaccompanied asylum-seeking and refugee children (Written Statement)	Asylum-seekers/Asylum-Seeking Children
08 February 2017	Immigration (Written Statement)	Immigration Controls/Immigration Bills
14 March 2017	Detention of Vulnerable Persons	Child Detention/Immigration Control on Children

APPENDIX 7: HOUSE OF LORDS DEBATES

Date	Title	Main Theme
29 April 1998	Campsfield House Detention Centre	Detention
21 July 1999	Non-Detention – Persons Under 18 Years	Child Detention/Immigration Control on Children
29 April 2002	Immigration Control – Protection of Children (Written Answers)	Child Detention/Immigration Control on Children
17 July 2002	Nationality, Immigration and Asylum Bill	Immigration Controls/Immigration Bills
10 October 2002	Nationality, Immigration and Asylum Bill	Immigration Controls/Immigration Bills
17 December 2003	Asylum and Immigration, (Treatment of Claimants, etc.) Bill	Immigration Controls/Immigration Bills
18 May 2004	Asylum and Immigration Bill	Immigration Controls/Immigration Bills
28 October 2004	Asylum-seekers – Detention of Children (Written Answers)	Detention/Immigration Control on Children
03 March 2005	Asylum-seekers – Detention of Children	Detention/Immigration Control on Children
02 June 2010	Immigration – Detention of Children	Detention/Immigration Control on Children
11 October 2010	Immigration – Detention of Children	Detention/Immigration Control on Children
01 December 2010	Immigration – Detention of Children	Detention/Immigration Control on Children
24 January 2013	Asylum-seekers Support	Asylum-seekers/Asylum-Seeking Children
03 March 2014	Immigration Bill	Immigration Controls/Immigration Bills
01 April 2014	Immigration Bill	Immigration Controls/Immigration Bills
01 February 2016	Immigration Bill	Immigration Controls/Immigration Bills
12 April 2016	Immigration Bill	Immigration Controls/Immigration Bills
26 April 2016	Immigration Bill	Immigration Controls/Immigration Bills

APPENDIX 8: HOME OFFICE STATISTICS ON THE NUMBER OF DETAINEES

Year	Number of detainees	Number of child detainees	Number of asylum-seeking detainees	Number of asylum-seeking child detainees
2009	28,001	1,119	15,780	772
2010	25,904	436	12,878	333
2011	27,089	127	12,596	92
2012	28,905	242	13,849	193
2013	30,418	228	14,806	164
2014	30,364	128	14,056	89
2015	32,446	128	14,751	81

Source: Home Office Statistics: December 2015

APPENDIX 9: HOME OFFICE STATISTICS ON THE NUMBER OF VOLUNTARY RETURNS

Year	Assisted Voluntary Returns	Notified Voluntary Returns	Other Confirmed Voluntary Returns	Total
2009	4,944	4,317	13,539	22,800
2010	4,541	5,996	16,577	27,114
2011	3,120	7,587	15,712	26,419
2012	3,706	6,749	19,208	33,369
2013	4,297	8,150	19,731	32,178
2014	2,408	10,832	14,312	27,552
2015	1,635	4,206	12,999	18,840

Source: Home Office Statistics: December 2015

APPENDIX 10: HOME OFFICE STATISTICS ON THE NUMBER OF ASYLUM APPLICATIONS MADE BY UNACCOMPANIED CHILDREN

Year	Number of asylum applications by unaccompanied children	Number of asylum application by male unaccompanied children
2006	3,333	2,505
2007	3,489	2,814
2008	3,976	3,471
2009	2,857	2,517
2010	1,515	1,221
2011	1,248	1,026
2012	1,125	936
2013	1,265	1,086
2014	1,945	1,713
2015	3,043	2,755

Source: Home Office Statistics: December 2015

APPENDIX 11: HOME OFFICE STATISTICS ON THE NUMBER OF UNACCOMPANIED ASYLUM-SEEKING CHILDREN BY AGE AND GENDER

Year	Number of unaccompanied male child asylum-seekers	Number of unaccompanied male child asylum-seekers (16-17 years)	Number of unaccompanied female child asylum-seekers	Number of unaccompanied female child asylum-seekers (16-17 years)
2006	2,505	1,248	828	483
2007	2,814	1,375	675	404
2008	3,471	1,636	505	295
2009	2,517	1,126	338	196
2010	1,221	615	293	156
2011	1,026	532	221	147
2012	936	532	188	119
2013	1,086	711	179	125
2014	1,713	1,052	232	168
2015	2,755	1,689	275	187

Source: Home Office Statistics: December 2015

APPENDIX 12: HOME OFFICE STATISTICS ON THE NUMBER OF AGE-DISPUTED ASYLUM-SEEKERS

Year	Number of asylum-seekers with age disputes	Number of asylum-seekers with resolved age disputes	Number of asylum-seekers with child status disputed
2006	2,246	1,202	958
2007	1,930	1,732	1,086
2008	1,515	2,185	1,077
2009	1,146	1,687	804
2010	530	1,727	1,104
2011	370	773	463
2012	337	467	226
2013	323	406	179
2014	318	466	242
2015	766	700	226

Source: Home Office Statistics: December 2015