

Liberty's Report Stage briefing on the Children and Social Work Bill: safeguarding unaccompanied refugee children

Report Stage consideration of the Children and Social Work Bill will take place on **Tuesday 18th October**. Liberty urges Peers to support the “**safeguarding unaccompanied refugee children**” amendment in the name of **Lord Dubs, the Lord Bishop of Durham and Baroness Sheehan**. The amendment provides for the safeguarding of unaccompanied children identified for relocation in the UK under section 67 of the Immigration Act 2016, both before and after they are brought to this country. Section 67, included in the 2016 Act after a hard fought battle by Lord Alf Dubs, requires the Home Secretary to establish a scheme for the transfer of vulnerable lone refugee children from European countries to the UK (“the Dubs scheme”).

The effect of the amendment

New section 67A of the Immigration Act 2016 would require the Home Secretary to publish a strategy for safeguarding vulnerable unaccompanied children identified for resettlement under section 67. Prior to the formulation of the strategy, the Home Secretary must engage with local government, the devolved administrations and others in order to ensure that they are able to meet the needs of the vulnerable children placed in their care. She must consider and produce recommendations as to how she will ensure that local authorities are funded to provide a full package of care and support for children for as long as necessary. She must also evaluate the progress that has been made under section 67, including the speed of transfers.

The final strategy must include provision about the safeguarding of children identified for transfer under the scheme, detailing how provision will differ for children with family connections in the UK and those without. It must also include provision aimed at expediting transfers and engaging local authorities in the process prior to the transfer of children. The amendment would help to increase transparency and provide impetus for action by requiring that the Secretary of State publish monthly updates on progress. An annual update would also be required detailing arrangements made to support vulnerable children, including

funding provided, staff deployed, local authorities involved and the legal status given to children.

The amendment would also facilitate the role of the UK Children's Commissioners in promoting awareness of the views and interests of children transferred under the scheme and provide for consultation with Commissioners in other jurisdictions.

The need for urgent action

Reports suggest that the demolition of the Calais camp will begin on Monday. When the Northern part of the camp was demolished earlier this year, 100 children reportedly went missing.¹ In a letter to the Home Secretary earlier this year Kevin Hylands, the Anti-Slavery Commissioner, expressed his concern that *"the planned eviction will result in many more children being pushed into the hands of traffickers and smugglers as a result of desperation and urgency to leave the camp."*² There are currently 1,022 unaccompanied children living in the camp and their vulnerability to modern slavery and other forms of criminal abuse is well documented.³ In June, UNICEF reported that sexual violence – including rape and forced prostitution – is *"a constant threat"*.⁴

As of October 2016, 72 children have been brought from the Calais camp to join family members in the UK under the family reunion provisions of the EU's Dublin III Regulation.⁵ This is largely due to the efforts of Safe Passage's lawyers who worked tirelessly to overcome unacceptable bureaucratic obstacles. No children have yet been transferred under the Dubs scheme.

On 10th October, in response to an urgent question tabled by Conservative MP David Burrowes, the Home Secretary confirmed that she had met with her French counterpart, Bernard Cazeneuve, to coordinate efforts on securing Dublin transfers for children with family members in the UK. Liberty welcomes the new tone of urgency taken by Government on implementation of the UK's obligations under Dublin III. We understand that a census of the camp was undertaken by French authorities this week and a list of Dublin children will be passed to the Home Office imminently. The Home Secretary has promised – on receipt of this information – to *"move with all urgency – a matter of days or a week at the most"*, with

¹ Safe Passage, *Help Us Bring Unaccompanied Children to the UK*, <https://www.justgiving.com/fundraising/safe-passage>.

² Letter from Kevin Hylands OBE to the Rt Hon Amber Rudd MP, 19th September 2016, p. 7.

³ Help Refugees, see e.g. The Guardian, *France urged to house children living alone in Calais camp*, 27 September 2016.

⁴ UNICEF, *Neither Safe nor Sound: Unaccompanied children on the coastline of the English Channel and the North Sea*, see, e.g. p. 11, p. 20.

⁵ Regulation (EU) No 604/2013.

“as many minors as possible eligible under the Dublin Regulation” to be transferred before the demolitions.⁶

We remain seriously concerned, however, at the continuing uncertainty surrounding the future of children eligible for transfer under the Dubs scheme. Safe Passage has identified 200 such children in the Calais camp.⁷ The Home Secretary has given no indication of how many children will be transferred under the scheme or when, confirming only that the UK is working with the French to establish temporary facilities for these children in France.⁸ By requiring the Government to report on its progress and to focus on the needs of children even prior to their arrival in the UK, this amendment allows Parliament to place additional pressure on Government to honour its commitment to transfer these children to the UK *“as soon as possible”*.⁹

Providing for children in the UK

Parliament’s Joint Committee on Human Rights, in a Report published on 14th October, expressed its support for a strategy for safeguarding unaccompanied refugee children, further stressing the need for a clear Government strategy in relation to all unaccompanied migrant children.¹⁰ The Committee referenced the Report of the UN Committee on the Rights of the Child, which pointed to difficulties faced by asylum seeking, refugee and migrant children in accessing basic services such as education and health care in the UK.¹¹ The UNCRC urged the UK Government to do more to provide support to these vulnerable children.¹²

Funding

Sub-clause 1(d) of the amendment requires the Home Secretary to *“make recommendations on how to ensure the provision of full-cost reimbursement to agencies required to provide services under the strategy for whatever period is required to fulfil their duties.”* Through the engagement of our members with local authorities, Liberty has identified widespread willingness amongst local councillors to provide homes for lone children eligible for transfer under the Dubs scheme, but legitimate and unaddressed concerns exist around funding arrangements. Earlier this year the Government announced that from 1 July 2016 to 31

⁶ Commons Hansard, 10 October 2016: Column 27.

⁷ British Red Cross, *No Place for Children*, October 2014, p. 3.

⁸ Commons Hansard, 10 October: Column 25.

⁹ Section 67 of the Immigration Act 2016 stipulates that *“The Secretary of State must, as soon as possible after the passing of this Act, make arrangements to relocate to the United Kingdom...”*

¹⁰ JCHR, *Legislative Scrutiny: (1) Children and Social Work Bill; (2) Policing and Crime Bill; (3) Cultural Property (Armed Conflict) Bill*, Third Report of Session 2016–17, paragraphs 71-75.

¹¹ JCHR Report, paragraph 73.

¹² JCHR Report, paragraph 74.

March 2017, councils will receive enhanced daily rates for children transferred between local authority areas: £114 for under 16 year olds and £91 for 16-17 year olds. This equates to £42,610 and £33,215 per year respectively. But Cllr David Simmonds, chairman of the Local Government Association's Asylum, Refugee and Migration Taskforce argues:

“... it costs £50,000 on average a year to support a child in care. We want to make sure children are properly supported, with foster carers and schools. Each child needs a health assessment and subsequent care.”¹³

Local authorities and service providers are further understandably concerned about longer term provision. Whilst regrettable uncertainty exists around the status to be offered to children brought to the UK under the Dubs scheme, many of these children will be here for an extended period and local authorities must feel confident that they will be in a position to provide for children for as long as necessary. Huge and legitimate concerns remain around the provision to be made for children as they transition into adulthood following provision in the Immigration Act 2016 which removes support for many care leavers who arrived in the UK as unaccompanied children.¹⁴

In addition to the funding provided for each child, funding for infrastructure at the regional and local level must be provided. The Fostering Network, for example, has made clear that its services are under pressure from local authority cuts. Some 9,070 foster carers are currently needed across the UK, 7,600 in England, to provide homes for “hard to place” children, including unaccompanied asylum seekers. The Network has asked central Government to fund local authorities to undertake the ongoing recruitment, training and support of foster carers.¹⁵ This investment will be additional to the costs of providing foster care for an individual child.

Engagement with local authorities

Sub-clauses (2)(1)(a) and 3(b)(iii) of the amendment focus on central government engagement with local authorities. Notwithstanding the obvious and urgent need, considerable uncertainty exists around the Government's thinking on the implementation of the Dubs scheme. Little detail has been given about the process or criteria by which these children are to be selected for resettlement in the UK. We still have no certainty about the likely scale of the scheme or when the first children will arrive. We do not know how Government will communicate with local authorities about the children due to enter their

¹³ The Guardian, *Children's services call for funds to deal with rise in child refugees*, 12 May 2016.

¹⁴ The Immigration Act 2016, Schedule 12.

¹⁵ The Guardian, *Children's services call for funds to deal with rise in child refugees*, 12 May 2016.

care. Information about the needs and vulnerabilities of children must be communicated to local authorities at the earliest opportunity to allow for the provision of a seamless package of care and support. The needs of a younger child will be different from those of an older child, and provision for, for example, linguistic support and medical interventions will also vary widely.

The plight of lone children stranded in European countries is an urgent child protection issue that this Government – together with its European partners - must work to address. **Liberty urges Parliamentarians to support the “safeguarding unaccompanied refugee children” amendment in the names of Lord Dubs, the Lord Bishop of Durham and Baroness Sheehan.**