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Children: Joint Committee on Human Rights report on Unaccompanied Migrant Children

4 July 2013

Unaccompanied migrant children are those who arrive in the United Kingdom separated from their parents and other relatives or who are not being cared for by an adult with the legal or customary responsibility for doing so. Some of those children have been trafficked but many have fled violence, have been subjected to abuse and exploitation and have often faced a traumatic journey to the United Kingdom.

Responsibility for their care falls to local authorities although the duty to put their 'best interests' at the forefront of decision-making lies with all public authorities.

On 12 June 2013, the Parliamentary Joint Committee on Human Rights published a report "Human Rights of unaccompanied children and young people in the UK"¹. The Committee, highlighting the UN Convention on the Rights of the Child as underpinning the UK's obligations to protect and promote the welfare of children, considered evidence about the whole range of issues faced by unaccompanied migrant children, from the point of arrival in the United Kingdom.

The Joint Committee on Human Rights report builds on concerns expressed in the 'Report of the Parliamentary Inquiry into asylum support for children and young people', published in 2013² and which found that the current asylum support system was in urgent need of reform if it was to have regard to the safety and well-being of children and meet its obligations to promote children's best interests. It recorded instances of where children (including those living with their families) were left destitute and homeless, entirely without institutional support.

The Committee found that, having endured the trauma of leaving their home, family, relatives and community, on arrival in the United Kingdom unaccompanied migrant children face:

- a complex and stressful asylum and immigration process which puts their welfare and best interests at risk and which is characterised by a 'culture of disbelief' which results in:
 - intensive interviews for which there were too rarely interpreting facilities available

¹ <http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news/publication-of-first-report-human-rights-of-unaccompanied-migrant-children-and-young-people/>

² <http://www.childrensociety.org.uk/what-we-do/policy-and-lobbying/parliamentary-work/parliamentary-inquiry-asylum-support-children-an-1>

- disputes about their age which deny access to care and support
- a lack of information about their circumstances and a refusal to take their views into account
- poorly trained staff who have little understanding of or guidance of or regard for their best interests
- delayed decision-making which causes distress and creates uncertainty
- placement in inappropriate accommodation without suitably trained staff to provide support
- inadequate educational services
- particular vulnerability in the transition to adulthood due to an absence of appropriate education and welfare provision and increased uncertainty about their future.

The Committee concludes that, despite the rights to protection and support owed to unaccompanied migrant children, immigration concerns are too often given priority.

The Committee:

- proposes the development of a clear legal framework for support services and that the Department of Education is given a more prominent role in overseeing the welfare of unaccompanied migrant children so as to ensure improved and consistent standards nationally and fairer administration of grant funding to local authorities.
- calls for a change in emphasis to put the best interests of unaccompanied migrant children at the heart of the often complex and stressful asylum and immigration processes affecting them. It concluded that specialist advice and advocacy was crucial to ensure that unaccompanied migrant children were better protected in the asylum, immigration and support systems.
- specifically considered evidence regarding the experience unaccompanied migrant children trafficked into the UK and concluded that the framework for identifying and protecting victims of trafficking uncovers too few cases and often criminalises victims. It specifically recommended that responsibility for identifying victims of trafficking was taken away from the immigration authorities and transferred to the UK Human Trafficking Centre.

Combined with the findings of the parliamentary inquiry into asylum support for children and young people, the report of the Joint Committee on Human Rights into the human rights of unaccompanied children and young people highlights the failure of the present systems in place to protect and promote the best interests of children and of the UK to fulfil its international obligations.