

Refugee and Migrant Children's Consortium

Briefing for parliamentarians on the use of Home Office hotels for unaccompanied children seeking asylum

1st February 2023

Introduction

Children who are separated or unaccompanied and are claiming asylum have faced and witnessed atrocities, fled conflict, persecution, human rights abuses and have endured perilous journeys. They need - and are entitled to - care in supportive settings, with skilled professionals to help them recover in safety. Yet in recent years, these children are being placed in Home Office-run hotels widely recognised as unsuitable accommodation, even on an emergency basis. **We have seen the government significantly erode the rights of children seeking asylum by excluding them from the child protection and welfare frameworks that *should* apply to all children in this country, regardless of nationality, ethnicity or immigration status.**

The Home Office has a duty to have regard to the need to safeguard and promote the welfare of all children in the United Kingdom under Section 55 of the Borders, Citizenship and Immigration Act 2009. It is through Section 55 that the UK aims to satisfy its obligation to ensure that the best interests of the child are a primary consideration in all law, policy and decision-making – as set out in Article 3 of the UN Convention on the Rights of the Child 1989.¹ **Yet, current government policies and practices in relation to children seeking asylum simply do not protect them nor do they take their best interests into consideration.**

Recent reports from a whistle-blower who works in the Home Office-run hotel in Brighton have highlighted the significant harm facing these children, with reports of children being picked up from the streets by presumed traffickers never to be found.² In addition to this appalling evidence of the harms these children face externally, new reports have highlighted that they have also been subjected to what amounts to emotional abuse and degrading treatment by staff inside these hotels.³

Hotels: Excluding children from the child protection framework

Local authorities in England have a legal duty to safeguard and promote the welfare of children within their area who are in need, under the Children Act 1989. Children seeking asylum who have no responsible adult to care for them are clearly 'in need' and will inevitably require children's services to care for and accommodate them under Section 20 or under a care order of the same Act – this support should begin "*as soon as the child is referred to the Local Authority or is found in the Local Authority area*".⁴ Despite this provision, the Home Office has developed a separate system where it accommodates children outside of this child protection framework in seven hotels across England and in doing so, has diverted children from accessing statutory care and protection from the local authority in which they are physically present.

¹ [ZH \(Tanzania\) v Secretary of State for the Home Department](#), [2011] UKSC 4 - Lady Hale at para 23

² [Revealed: scores of child asylum seekers kidnapped from Home Office hotel](#)

³ [Revealed: child migrants racially abused and threatened with violence at Home Office hotel](#)

⁴ [Care of unaccompanied migrant children and child victims of modern slavery: Statutory guidance for local authorities](#)

This practice began in June of 2021, following the announcement by Kent County Council refusing to take any more unaccompanied children into its care, citing 'extreme pressure' on its services.⁵ Later that month, the Home Office announced that, due to the "*unprecedented number of small boats arrivals*" it had decided to accommodate children in hotels while they were awaiting placement in other areas via the National Transfer Scheme (NTS).⁶

While the practices were characterised by the Home Office as "*emergency*" measures, to be operated for "*the very shortest of periods*" those same practices have now been continuing for some 18 months. Kent eventually resumed responsibility for separated children but the Home Office has continued to place children in hotels outside of the care of local authorities, ignoring the concerns of charities.⁷ The Home Office announced in February 2022, they would temporarily mandate the NTS to all local authorities.⁸ They subsequently announced in December 2022 a temporary increase in funding for local authorities to receive a lump sum payment until the end of February 2023.⁹ In total, **4,600 children have been accommodated in such hotels since July 2021**.¹⁰ Due to the abject failure in safeguarding these children, there have been **440 missing episodes and 200 children who have never been found**.

There is no legal basis for placing children in Home Office hotel accommodation and **almost two years into the operation of the scheme which is both unlawful and harmful, the emergency situation turned into a crisis that is badly managed and it can't be said that this practice is 'temporary'**. The purpose of section 72 of the Immigration Act 2016, which enables the creation of the National Transfer Scheme, is to ensure the safe transfer of responsibility for unaccompanied children from one local authority to another with no disruption to children's access to statutory care under the Children Act 1989 before, during and after transfer. It does not permit the Home Office to accommodate a child instead of transferring to a local authority.

As the Independent Chief Inspector of Borders and Immigration's (ICIBI) report highlighted, children as young as 10, including girls aged 12 and 13, have been placed alone in these hotels with no access to legal advice or mental health support, and little access to healthcare.¹¹ Some children have spent months in these hotels before being taken into the care of a local authority. **The Home Office has repeatedly failed to commit to an end date for accommodating children in this way – despite a recommendation from the ICIBI published in October 2022 following inspection in May, to end these practices within six months.**

There have also been suggestions to institute the Home Office as the 'corporate parent' for these children. Such a proposition would require a fundamental change of the law and would **mark an unprecedented departure from the child protection framework by placing children under the remit of a department without any authority or expertise to care for them**. Parliament has designated local authorities as the primary statutory child protection and child welfare agency with responsibilities for looking after all of a child's needs for their upbringing. The local authority is to act as a good reasonable parent would. This concept was put on a statutory footing by the Children and Social Work Act 2017 as set out in Section 1 the "corporate parenting principles" that apply to local authorities. It requires local

⁵ [Kent to turn away lone child migrants from Monday due to "extreme pressure"](#) and [Kent council in child migrant legal threat to Home Secretary](#)

⁶ Announcement made through stakeholder engagement group communications

⁷ [Charities call for action on children going missing from Home Office hotels](#)

⁸ The NTS operated on the basis of a national voluntary rota, whereby local authorities across the UK, with unaccompanied children constituting at or over 0.07% of their child population could refer new arrivals of unaccompanied children to other local authorities. From 24 August 2022, the threshold increased to 0.1%. See [National Transfer Scheme \(NTS\) Protocol for unaccompanied asylum seeking children \(UASC\)](#)

⁹ [Temporary additional funding - National Transfer Scheme \(accessible version\)](#)

¹⁰ [Undocumented Migrants: Children Questions for Home Office](#)

¹¹ [An inspection of the use of hotels for housing unaccompanied asylum-seeking children \(UASC\)](#)

authorities to have regard to the need to act in the best interests and promote the physical and mental health and well-being of those children. Statutory guidance on applying the corporate parenting principles is necessarily directed to local authorities – not the Home Office.¹²

There is no lawful basis for the Home Office to house children in hotels and this is a very dangerous precedent which leaves some of the most traumatised and in-need children at risk and outside of our child welfare and protection system. **The government must, as a matter of urgency, end the use of hotels and ensure that local authorities are sufficiently funded to care for this group of children. The government must also launch an urgent independent inquiry given these significant matters of public concern following the reported failures to protect vulnerable children from harm.**

Conclusion and recommendations

The government must, as a matter of priority, end this practice of discriminatorily placing children in a dangerous parallel system separate from all other children in need in this country. In order to ensure there is no recurring situation of placing children in hotels, these are the short and long-term actions that the government should take:

Short-term

1. Set up a dedicated taskforce to investigate and find all missing children involving all local safeguarding partners.
2. Immediately refer all children to Local Authorities in line with the requirements of the Children Act 1989 so that their needs can be properly assessed and so that they can be looked after.
3. Provide Local Authorities with whatever support is necessary to support children which may include dedicated funding for that purpose.
4. Ensure a serious incident alert is raised for every child who has not been found to the Child Safeguarding Practice Review Panel.

Long-term

1. Commit to an urgent independent inquiry about the use of hotel accommodation for unaccompanied children and their diversion from and denial of statutory care and support on arrival and until transfer through the NTS.
2. Increase funding to Local Authorities so they can provide for all children in need in their local areas according to their assessed needs; retain and employ more social workers, and increase placement capacity for all looked after children in their area, which has been at a record low.
3. Commit to improving the support framework for former unaccompanied children who are care leavers and boost it through dedicated funding.
4. Develop a network of local authority commissioned foster carers who specifically look after unaccompanied children.

Questions:

- **To ask the Secretary of State for the Home Department to commit to finding all children who are currently missing?**
- **To ask the Secretary of State for the Home Department to confirm an end date for the practice of accommodating unaccompanied children in Home Office-run hotels?**
- **To ask the Secretary of State for Levelling Up, Housing and Communities what is the cross-departmental strategy to ensure Local Authority children's**

¹² [Applying corporate parenting principles to looked-after children and care leavers. Statutory guidance for local authorities](#)

services will be allocated sufficient funding to carry out their statutory obligations to children in their area ?

- **To ask the Prime Minister to commit to an urgent independent inquiry and publish a written report on the circumstances surrounding those unaccompanied children who have gone missing from hotels, including lessons learnt and what Government will do differently in the future?**
- **To ask the Secretary of State for the Home Department to confirm that there is no intention to develop legislation for unaccompanied children who are seeking asylum which is outside of or parallel to the rights accorded to all children, under the Children Act 1989?**
- **To ask the Secretary of State for the Home Department to explain what quality assurance (monitoring, supervision, and inspection of standards) is in place for the use of these hotels, including complaints by children and staff to both to ensure the physical safety of the buildings and that staff are overseeing children properly?**

The [Refugee and Migrant Children's Consortium](#) (RMCC) is a coalition of over 70 organisations working together to promote and protect the rights of young refugees and migrants.

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