

## **Joint Parliamentary Briefing: the Illegal Migration Bill and its impact on children.**

**11<sup>th</sup> May 2023**

### **Outline of the Bill**

The Home Secretary introduced the Illegal Migration Bill on 7<sup>th</sup> March. The Bill will move to the House of Lords with its Second Reading scheduled for Wednesday, 10<sup>th</sup> May.

The British Medical Association, British Association of Social Workers, Refugee Council, Royal College of Paediatrics and Child Health are deeply concerned by the proposed changes and their impact on children's health, well-being and safety.

### **Key concerns**

The provisions within the Bill will **change the asylum system and child protection framework in an unprecedented way**. Claims made by unaccompanied children will not be accepted into the UK system, children will be detained, and some could be removed from the UK before they turn 18 years old. Additionally, the Bill will afford the Home Secretary significant new powers in relation to housing and care of these children in a way, we believe, that will significantly undermine the 1989 Children Act and associated statutory guidance.<sup>1</sup> Proposed changes will lead to creating **a two-tier system**, where some children are treated differently only because of their nationality and mode of arrival to the UK. The background to the changes in the Illegal Migration Bill needs to be considered in the broader context of protecting children in the asylum system. As observed in the shadow NGO report on the UK implementation of the UN Convention on the Rights of the Child, there has been **a significant regression in rights and protections afforded to this group of children**.<sup>2</sup> We are yet to understand the full impact of the system that treats a group of children differently, e.g. by detaining them for immigration purposes, the adverse effects of the threat of removal on a child's mental health (and likely physical health) and the adverse effects of the Home Office becoming responsible for children's accommodation and care rather than current welfare services, who have expertise and resources to do it. The Government must outline how the provisions they are introducing in the Bill will operate in practice and produce an impact assessment these changes will have on children.

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<sup>1</sup> The guidance include the following: [Securing sufficient accommodation for looked-after children](#), [Promoting the health and wellbeing of looked-after children](#), [Care of unaccompanied migrant children and child victims of modern slavery. Statutory guidance for local authorities](#), [Every child matters: statutory guidance](#), [Unaccompanied asylum seeking children: national transfer scheme](#); please note the list is not exhaustive and is likely to encompass currently ongoing government consultation: [Guide for children and young people: Stable Homes, Built on Love](#).

<sup>2</sup> Children's Rights Alliance for England, [UK implementation of the UN Convention on the Rights of the Child Civil society alternative report 2022 to the UN Committee – England](#).

- The analysis by the Refugee Council,<sup>3</sup> based on publicly available sources and using conservative estimates based on existing data, suggests that as many as **45,000 children could be detained in the UK under the plans.**
- In the first three years of the legislation coming into effect, between **39,500 and 45,066 children will have their asylum claims deemed inadmissible.**
- In total, **between £8.7bn and £9.6bn** will have been spent on detaining and accommodating people impacted by the Bill in the first three years of its operation.
- The data shows that **most children arriving in the UK come from countries with very high grant rates for refugee status**, and are forced to take dangerous journeys because there are very limited options for safe routes to the UK. For example, for unaccompanied children from Afghanistan, the grant rate is almost 100%, for Eritrea it is 99% and for Sudan it is 95%. Of all children who arrived alone and had their cases determined last year, **nearly 9 out of 10 (86%) were permitted to stay and rebuild their lives in the UK.**<sup>4</sup>
- The Bill will **impact the age assessment process.** With inadequate safeguards, there are concerns that children will be wrongly identified as adults and removed from the UK. Additionally, there are growing concerns about **the use of scientific methods** to determine age and power of the Home Secretary to remove a child from Local Authority care.
- The current proposals will lead to **significant safeguarding risk**, particularly where a person who did not consent to the use of a scientific method for an age assessment would be assumed to be an adult.
- The harsh treatment of children will, without a doubt, have **severe consequences on their health, well-being and development.** Such adverse effects are likely to stem from the physical and mental health impacts of detention; the physical and mental health impacts of the age assessment process; the physical and mental health impacts of the demonstrable two-tier system that will be created. The Government is yet to publish an impact assessment<sup>5</sup> and this must be done without further delay to allow **proper scrutiny of the impact of the Bill on children’s rights.**
- This legislation will have a **significant impact on the work of social workers.** It will create a separation between unaccompanied children and children born in the UK, contravening basic human rights principles. We also fear that knowing they will be deported at 18, UASC will be more likely to go missing from care and be at risk of abuse by traffickers.

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<sup>3</sup> The Refugee Council’s policy briefing: [Illegal Migration Bill – Assessment of the impact of inadmissibility, removals, detention, accommodation and safe routes.](#)

<sup>4</sup> Grant rates – the grant rate at initial decisions for unaccompanied children was 86% last year. By nationality:

Nationality	Grant rate at initial decision (2022)
Afghanistan	99.9%
Albania	29%
Eritrea	99%
Iran	74%
Sudan	95%

The grant rate at initial decisions for unaccompanied children was 86% in 2022. *Source:* [table asy\\_d02 of the Asylum and Resettlement – Applications, Initial Decisions and Resettlement tables, not including withdrawn applications.](#)

<sup>5</sup> Question from Lord Alton of Liverpool from 4 April 2023. Available at: <https://questions-statements.parliament.uk/written-questions/detail/2023-03-22/HL6732>

## Contact

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## Further reading

- BASW UK Statement on 'Illegal Migration Bill': <https://www.basw.co.uk/media/news/2023/mar/basw-uk-statement-%E2%80%98illegal-migration-bill%E2%80%99>
- BMA Statement on the Illegal Migration Bill for the Second Reading in the House of Lords: <https://www.bma.org.uk/media/7075/bma-briefing-illegal-migration-bill-lords-second-reading.pdf>
- Refugee Council Impact Assessment of the Illegal Migration Bill: <https://www.refugeecouncil.org.uk/latest/news/nearly-200000-people-could-be-locked-up-or-forced-into-destitution-new-report-on-asylum-bill-reveals/>
- Refugee Council and Barnardo's joint statement on the Illegal Migration Bill and impact on children: <https://www.refugeecouncil.org.uk/latest/news/uk-governments-new-asylum-bill-threatens-to-lock-up-thousands-of-refugee-children-who-come-to-the-uk-alone-refugee-council-and-barnardos-joint-release/>
- RCPCH response to proposed 'Illegal Migration Bill': <https://www.rcpch.ac.uk/news-events/news/rcpch-responds-proposed-illegal-migration-bill>
- Refugee and Migrant Children's Consortium: <https://refugeechildrensconsortium.org.uk/briefings-on-the-illegal-migration-bill/>