

## Westminster Hall Debate: Accommodation of children seeking asylum in hotels.

6<sup>th</sup> June 2023

### Key issues

- Separated children are housed in hotels outside the child protection system, without local authority looking after their best interest after arrival, and making decisions and arrangements for their welfare. **The hotels operate unlawfully** (children under 16 years of age are placed in unregulated accommodation), and **local authorities are not involved in providing services to these children** (under s20 of the Children Act 1989).
- The temporary, crisis response from the summer of 2021, developed into business as usual, with **4,500 unaccompanied migrant children, some as young as 10, being placed in hotels since June 2021**. The Home Office was unable to develop a robust and swift pathway whereby these children are moved through the National Referral Mechanism (NTS) and into the care of local authorities. As a result, children have gone missing from hotels; there have been 440 missing episodes, and as of April 2023, 186 children have still not been found.<sup>1</sup>
- There is concern that **the missing persons protocol has not been used appropriately for every child seeking asylum that has gone missing from Home Office hotels**. The Government is yet to confirm that the protocol was fully followed in each case.
- The Home Secretary is falling short of meeting her duties under s55 Borders, Citizenship and Immigration Act (BCIA) 2009 to safeguard and promote the welfare of children who are in the United Kingdom. The welfare of these children and ensuring they enter the local authority care should be the priority, yet after nearly two years of operating hotels, the Home Office has no exit strategy. **Separated children ought to be treated like all resident UK children within the children's protection statutory framework**. To do otherwise is unjust and against our domestic and international commitments to protect children.
- Children in the Home Office hotels are **not classed as 'looked after children'**. Prolonged stays in the hotels have an **impact on whether they will meet the 13-week rule for care leavers' support**, once they are moved into local authority care.
- There is a growing concern that the Government is **too slow to develop a strategy for moving these children into the care of social services, through the National Transfer Scheme (NTS)**. Over two years of operating a broken system, there are fears that the solution will be the segregation of children and

<sup>1</sup> Written Question, UIN 173050, tabled on 24 March 2023: <https://questions-statements.parliament.uk/written-questions/detail/2023-03-24/173050>.

that responsibility for their care will not be provided under s20 of the Children's Act.

- Hotels do not fall under Ofsted's regulatory framework and are therefore not inspected. **Ofsted is not able to provide the scrutiny.** An inspection<sup>2</sup> published last year by the Independent Chief Inspector of Border and Immigration (ICIBI) uncovered many issues, including that **staff working at the hotel sites with children were not DBS (Disclosure Barring Service) checked**, which is mandatory for those working with children.
- As highlighted in our joint parliamentary briefing with the British Association of Social Workers (BASW), British Medical Association (BMA), Medical Justice, Royal College of Paediatrics and Child Health (RCPCH),<sup>3</sup> **the provisions within the Illegal Migration Bill will change the asylum system and child protection framework in an unprecedented way as well as further legitimise the use of hotels.** 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 Children Act 1989 and associated statutory guidance.<sup>4</sup>
- **Proposed changes will lead to the creation of a two-tier system**, where some children are treated differently only because of their nationality and mode of arrival to the United Kingdom. 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,<sup>5</sup> there has been **a significant regression in rights and protections afforded to this group of children.**
- 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.**
- **Both the Children's Commissioner for England and the ICIBI have publicly stated their deep concern about the safety of unaccompanied children** in Home Office-run accommodation and how the Bill has the potential to make it harder for local authorities to fulfil their duties under the Children Act 1989. In light of this, the Children's Commissioner requested child-level data on all unaccompanied children aged 17 years or younger seeking asylum in the UK, who have been accommodated by the Home Office in hotel accommodation for at least one night since July 2021. The Home Office has yet to respond to the statutory data request. **It is unprecedented that the Home Office failed to comply with a statutory request.**

## Key Questions

1. Given the failings within the current provision, particularly, the unlawful accommodation of under 16s in unregulated accommodation, and after the disappearance of many children seeking asylum from current hotels, can the Home Secretary explain why her Department intends to legislate and assume new powers to house these children outside of the provisions of the Children Act 1989, effectively creating a two-tier system?

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<sup>2</sup> ICIBI, [Inspection Report Published: An inspection of the use of hotels for housing unaccompanied asylum-seeking children March – May 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/107111/Inspection-Report-Published-An-inspection-of-the-use-of-hotels-for-housing-unaccompanied-asylum-seeking-children-March-May-2022-GOV.UK-20220510.pdf)

<sup>3</sup> [Joint-Parliamentary-Statement-on-the-IMB-and-children-HoL.25.05.2023.pdf \(refugeecouncil.org.uk\)](https://www.refugeecouncil.org.uk/wp-content/uploads/2023/05/Joint-Parliamentary-Statement-on-the-IMB-and-children-HoL.25.05.2023.pdf)

<sup>4</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>5</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 \(crae.org.uk\)](https://www.crae.org.uk/wp-content/uploads/2022/06/UK-implementation-of-the-UN-convention-on-the-rights-of-the-child-civil-society-alternative-report-2022-to-the-UN-committee-england.pdf).

2. Can the Home Secretary provide the legal basis for providing accommodation and care to unaccompanied children in hotels? Specifically, can she confirm whether this power is exercised under s55 of the Borders, Citizenship and Immigration Act 2009 and what additional pieces of legislation and guidance are engaged?
3. To ask the Secretary of State for the Home Department, how many unaccompanied asylum-seeking children who were housed in hotels in the UK and went missing, are still missing? And how many of these missing children have gone missing since the beginning of this year?
4. To ask the Secretary of State for the Home Department, how many unaccompanied asylum-seeking children are currently being housed in Home Office hotels in the UK?
5. Will the Home Secretary commit to publishing a written report on the circumstances surrounding those unaccompanied children who have gone missing from hotels, including lessons learnt and immediate steps she will take to prevent similar issues from happening again?
6. Can the Home Secretary clearly assure us that the missing persons protocol has been used for every child seeking asylum that has gone missing from Home Office hotels and whether there were any instances where full guidance has not been followed?
7. Can the Home Secretary outline the specific steps she is taking to address the backlog of the NTS transfers and outline the steps she has taken to support LAs with procuring additional placements for children to shorten the time children spend in her care (beyond payments of £15,000 to local authorities)?
8. The Children's Commissioner for England wrote to the Home Secretary on 5<sup>th</sup> April to request information about the treatment of children seeking asylum in the UK, using Section 2F of the Children Act 2004, giving the deadline of 17<sup>th</sup> April to provide a response. The Commissioner requested child-level data on all unaccompanied children aged 17 years or younger seeking asylum in the UK, who have been accommodated by the Home Office in hotel accommodation for at least one night since July 2021. The data requested was administrative data that should be routinely collected. Given the Home Office has yet to respond to the statutory data request, the Children's Commissioner is concerned that the data is not being systemically recorded. Can the Home Secretary explain why information has not been provided to the Commissioner and when she will endeavour to do so?
9. Can the Home Secretary commit to a date when a thorough impact assessment will be published detailing how the Illegal Migration Bill will specifically effect children?
10. On 26<sup>th</sup> January this year, over 100 charities sent a joint letter<sup>6</sup> to the Prime Minister calling for action on children going missing from Home Office hotels, who are at risk of trafficking and exploitation. These charities are yet to receive a reply from the Prime Minister. Can the Home Secretary liaise with the Cabinet Office and ensure a reply is received?
11. Can the Home Secretary explain the impact of the Illegal Migration Bill on Scots law in the context of providing support to unaccompanied children? Particularly in the context of Clause 19 of the Bill, which gives the Secretary of State the power to introduce regulations which would extend the remit of Clauses 15-18, so they apply to Scotland in contravention of powers that are devolved.
12. Can the Home Secretary explain why, in her view, the Legislative Consent Motion process, per Section 2 of the Scotland Act 2016, is not engaged?

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<sup>6</sup> [Over 100 charities call for action on children going missing from Home Office hotels, at risk of trafficking and exploitation - Refugee Council; Stop using hotels to house migrant children, say charities - BBC News](#)

13. Can the Home Secretary advise whether and how an order from her under clause 16 will supersede protective orders issued by the Scottish courts – e.g. Child Protection Order (CPO), Compulsory Supervision Orders (CSOs), Permanence Orders, Adoption Orders?

## Outline

In the last 12 months, according to the Home Office statistics, there were **5,010 applications from unaccompanied children**, 8% more than the previous year, accounting for 7% of total asylum applications.<sup>7</sup> Of the children whose claims were decided in the last 12 months, 84% were granted asylum or another form of leave to remain. Since 2021, over **4,500 unaccompanied migrant children, some as young as 10, have been placed in hotels, and more than 200 have gone missing, as of April 2023, 186 had still not been found.**<sup>8</sup>

Over the last few years, we have been observing an increase in people crossing the English Channel to seek asylum in the United Kingdom. In July 2021, Kent Local Authority decided to withdraw from supporting separated children arriving in Dover. With pressure mounting, it was decided to house children in hotels temporarily, pending their move to local authority care under the National Transfer Scheme (NTS). The hotels in South East England are managed by the Home Office and run by, among others, the agency contracted by the Home Office which is operated by Kent County Council.

Although difficult decisions had to be made to address the crisis and find a solution where children will be accommodated before going into NTS, it is unacceptable for this situation to continue with no strategy in place to move children from hotels into the care of local authorities.

Children who are placed in unregulated accommodation should have access to basic provisions, e.g., to an independent adviser and casework to advise on their asylum and child protection journey, and any safeguarding issues arising while in unregulated care, including mental health, however; separated children in hotels across South East England don't have access to these fundamental forms of support.

The current practice operates outside of the legal framework for children's care where children not cared for by their parents should be in the care of local authorities. There is no independent scrutiny by Ofsted into how these hotels operate, staff working with children were not DBS checked, children don't have access to basic services, and as a result, 200 of them went missing from the hotels. The Home Office is unable to say what happened to them, and they are not registered with legal advisers and GPs. Furthermore, concerns arise from the fact that the Government has consistently been vague when stating what guidance was specifically followed to search for these children, raising doubts about whether the missing persons protocol has always been followed properly in relation to all these children.<sup>9</sup>

Home Office claims children are moved out within ten days and that they aim to reduce this to five days. In reality, most young people wait several weeks, sometimes longer, before being moved into care. Some young people are then moved to the Reception Centres in Kent. Many do not have the difference explained to them, leading to further confusion and distress for young people who spend long periods in Reception Centres after having been in the hotels.

Furthermore, the new Illegal Migration Bill, which is currently going through Parliament, will mandate

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<sup>7</sup> [Top facts from the latest statistics on refugees and people seeking asylum - Refugee Council](#)

<sup>8</sup> Written Question, a UIN 173050, tabled on 24 March 2023: <https://questions-statements.parliament.uk/written-questions/detail/2023-03-24/173050>

<sup>9</sup> In their statements to the House, the ministers outlined relevant protocols and confirmed that they provide a framework for when a person is missing. They had not, however, explicitly stated that the protocol had been fully followed at all times in relation to all missing children. Hansards: [Written questions and answers - Written questions, answers and statements - UK Parliament](#); [Written questions and answers - Written questions, answers and statements - UK Parliament](#); [Unaccompanied Asylum-seeking Children - Hansard - UK Parliament](#).

local authorities to provide information to the Home Secretary concerning children, and is set to exacerbate risks and barriers children seeking asylum already face. **The Bill will undermine the Children Act 1989** by giving the Home Secretary **new powers to provide accommodation and support to separated children**. Such a move is potentially laying down the ground for not just legitimising the use of hotels but opening reception centres for separated children in the future, operated by the Home Office. The Home Secretary will be able to **decide when a child ceases to be looked after** and mandate the move of a child between local authorities as well as **mandate local authorities to provide information** to the Home Secretary concerning children in their care. 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.

The analysis by Refugee Council, 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. 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**. They are forced to take dangerous journeys due to very limited options for safe routes to the UK. 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>10</sup>

**Proposed changes will create a two-tier system, where some children are treated differently purely because of their mode of arrival to the United Kingdom.** 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>11</sup>

Children who experienced war, persecution, discrimination, and witnessed unimaginable horrors are being let down by the system which should protect them. **The Government is failing in its duty to safeguard children and has no proper long-term plan for supporting unaccompanied children. The provisions within the new Illegal Migration Bill will change the asylum system and child protection framework in an unprecedented way.**

## Information from Refugee Council services

Refugee Council has been providing support to separated children for over 20 years. We are the only national organisation working with this group of children through casework and therapeutic support. Our staff used to regularly visit hotels and provided support to children and young people who were housed in them.

The children we spoke with told us that they feel anxious, scared and lonely in these hotels, and we have grave concerns about their mental and physical health. One young person told us that they are scared and do not trust the hotel staff. We supported another young person who was told that they will be sent to an address somewhere in the UK (presumably under the NTS), however, when a taxi arrived to pick them up, they were taken hotel reception centre for separated children. Lack of information and reassurance creates additional pressures and amplifies stress in children who were through so much

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<sup>10</sup> Refugee Council and Barnardo's joint statement on the 'Illegal Migration Bill' [Government's new asylum bill threatens to lock up thousands of refugee children who come to the UK alone | Barnardo's \(barnardos.org.uk\)](#)

<sup>11</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 \(crae.org.uk\)](#).

already. Access to phones and interpreters is often limited, making communication even more challenging.

In the past, our staff also reported that there were 3 confirmed diphtheria cases, 6 close contact cases, and 7 suspected diphtheria cases in one of the hotels. Some children had scabies.

## Resources

- Joint Parliamentary Briefing: The Illegal Migration Bill and its impact on children [Joint-Parliamentary-Statement-on-the-IMB-and-children-HoL.25.05.2023.pdf \(refugeecouncil.org.uk\)](#)
- Children's Commissioner for England statement on the Illegal Migration Bill: [Briefing for MPs ahead of the report stage of the Illegal Migration Bill | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)
- Refugee Council's policy briefing: [Refugee-Council-briefing-Children-Illegal-Migration-Bill.pdf \(refugeecouncil.org.uk\)](#)
- Joint letter to the Prime Minister: [Over 100 charities call for action on children going missing from Home Office hotels, at risk of trafficking and exploitation - Refugee Council](#)
- Joint briefing on the Illegal Migration Bill and child detention, House of Lords Committee: [Joint Parliamentary Briefing on the IMB and children, House of Lords meeting May 2023](#)
- The Refugee Council's policy briefing: [Illegal Migration Bill - Assessment of impact of inadmissibility, removals, detention, accommodation and safe routes - Refugee Council](#)
- RMCC parliamentary briefings on [the Illegal Migration Bill and risks to children](#)

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