

Committee Stage Briefing – Illegal Migration Bill

Royal College of Paediatrics and Child Health (RCPCH)

Monday 27 and Tuesday 28 March 2023

Introduction

Ahead of Committee of the Whole House of the Illegal Migration Bill, this briefing from the Royal College of Paediatrics and Child Health outlines our deep concerns with measures in the bill regarding unaccompanied children and links to amendments tabled that we hope you can support.

It is a concern that no Child Rights Impact Assessment has been undertaken as part of this Bill. The College wants to emphasise that the rights of children and young people, as set out in the United Nations Conventions on the Rights of the Child (UNCRC) which has been ratified by the UK, must be protected.

While the College wants the Government to reconsider this legislation, we note below a briefing from the **Refugee and Migrant Children's Consortium** setting out amendments to address these concerns that we hope you can support.

Amendments

- As a member of the Refugee and Migrant Children's Consortium, the College supports amendments set out in [the detailed briefing available here](#) and which are supported by MPs across the House.
- These cover:
 - Children and the duty to remove / inadmissible asylum and human rights claims.
 - Child detention.
 - Children in Home Office-run accommodation.
 - The exclusion of child victims of trafficking from modern slavery protections.
 - Child citizenship.

Removal of children

- Clause 3 on unaccompanied children sets out that the Secretary of State is not **required** (our emphasis) to make arrangements to remove an unaccompanied child from the UK until they are 18 years old.
- However, the College is extremely alarmed that 3(2) states the Secretary of State **may** (our emphasis) make arrangements for the removal of a person from the UK at a time when the person is an unaccompanied child.
- The explanatory notes for the Bill state that as a matter of current policy this power will only be exercised in limited circumstances ahead of them reaching adulthood, such as for the purposes of family reunion or where removal is to a safe country of origin.
- However, the College is concerned that the measures a) relate to current policy and b) are open to subjectivity, and that the grounds for removal of a child could be misinterpreted or misused. The measures also do not take into account children who may have been exploited or trafficked into the UK.
- There is a need for further clarity (beyond the purposes of family reunion or safe country of origin) on how and when the powers to remove unaccompanied children would be used by the Secretary of State and information on the safeguards that need to be in place to protect exploited children.
- The measures outlined in Clause 3 are even more concerning when considered against Home Office policy on assessing age of unaccompanied asylum-seeking children. The College has previously [outlined our serious reservations with the policy](#) including questioning not only how ethical it is, but most importantly in this context, its scientific accuracy. There is a real risk that children are

misidentified as adults; and a separate risk that children may be removed from the UK to countries that are not safe.

Accommodation for unaccompanied children

- Clauses 15 – 20 make provision for the care of unaccompanied migrant in scope of the duty set out in Clause 3 pending the removal as adults or if it is decided to use the power to remove as a child. As currently set out these measures are an affront to unaccompanied children's rights. All children regardless of where they are from should be supported and protected under UK law.
- We are troubled by these measures in that they allow for the Home Office to become corporate parents for unaccompanied asylum-seeking children arriving in the UK.
- As the Refugee Council have stated, "the Home Office is a wholly inappropriate government department to act as the corporate parent for these children as it doesn't have the sufficient child welfare expertise, knowledge or capacity to meet their complex needs." The College has specific questions about what these measures would mean in terms of healthcare provision for unaccompanied asylum-seeking children.
- We are also concerned with the measures in that they allow the Secretary of State to ask a third party to provide accommodation to children. This is a real risk when considered against the large numbers of unaccompanied asylum-seeking children we know have gone missing from hotels.
- It also raises the risk of children being placed in detention accommodation, rather than under the care of a local authority, which is wholly inappropriate especially if these children have been trafficked to the UK.
- There are potential workforce and health considerations that must be considered under these measures. As set out, there is a risk that migrant children are "consolidated" in certain areas of the country which will have workforce implications for paediatricians and other professionals.
- There are also potentially serious health implications for children. If they are no longer looked after by local authorities, then they may not be entitled to the statutory initial health assessment. It is unclear for the Bill what health input they will be entitled to.

Conclusion

- The College is deeply concerned with this Bill from the perspective of children's rights, the provision of healthcare and associated workforce implications.
- No parent or guardian would send a child on such a dangerous journey without good reason, and we know that at least six out of ten (60%) of all those who made the dangerous channel crossing to the UK in small boats last year would be recognised as refugees through the asylum process.
- It must also be considered that many unaccompanied children will have been trafficked to the UK. Denying these people with an opportunity to seek safety from legitimate harm is inexcusable. Seeking safety for you and your child should not be a crime nor should we abandon our obligations to protect children who have been exploited and trafficked.
- We once again remind the Home Secretary that the rights of children and young people, as set out in the United Nations Convention on the Rights of the Child (UNCRC), must be protected.
- We call on the Government to reconsider this Bill and to stand up to prevent vulnerable children and young people from coming to further harm.

Questions for the Minister

- What assessment has the Minister made regarding the impacts of this Bill on healthcare provision for unaccompanied asylum-seeking children?
- Why has no child rights impact assessment been undertaken?
- What consideration has the Home Office given to the United Nations Convention on the Rights of the Child in the development of this Bill?

- What measures will the Home Office put in place to accurately identify and care for children who have been trafficked?
- Can the Minister confirm the Home Office is able to provide suitable and safe accommodation for all children while they undergo the assessment process?
- What will the impact of the Bill be on children who are trafficked into the country insofar as their rights in relation to future asylum claims?

About us

The Royal College of Paediatrics and Child Health (RCPCH) is the membership body for paediatricians, and we have over 22,000 members across the UK and internationally. We are responsible for education, training and setting professional standards and informing research and policy. We work to transform child health through knowledge, research and expertise, to improve the health and wellbeing of infants, children and young people across the world.

RCPCH and our work on child protection

- Child protection plays a role in everything our members do as child health professionals, and is about protecting individual children identified as suffering, or likely to suffer, significant harm as a result of abuse or neglect. Safeguarding is broader, and about how we ensure children grow up in a safe environment.
- The College has a Child Protection Standing Committee that: responds to matters when children are vulnerable to exploitation or abuse and ensures that children have a right to protection, encourages policy developments that foster appropriate rights for children, develops preventative services and improves education and liaises and communicates with appropriate organisations and committees to provide advice and response to matters relating to child protection.
- The committee is chaired by Officer for Child Protection, consultant paediatrician Professor Andrew Rowland. Prof Rowland is an Honorary Professor (Children's Rights, Law, and Advocacy) in the University of Salford.
- The College has produced guidance for paediatricians on refugee and asylum-seeking children and young people. The aim of this is to support paediatricians in the assessment and care of refugee and asylum-seeking children, both when accompanied by parents and carers and when unaccompanied.