



House of Commons
Home Affairs Committee

Unaccompanied child migrants

Thirteenth Report of Session 2016–17

*Report, together with formal minutes
relating to the report*

*Ordered by the House of Commons to be printed
2 March 2017*

Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

Current membership

[Yvette Cooper MP](#) (*Labour, Normanton, Pontefract and Castleford*) (Chair)

[James Berry MP](#) (*Conservative, Kingston and Surbiton*)

[Mr David Burrowes MP](#) (*Conservative, Enfield, Southgate*)

[Byron Davies MP](#) (*Conservative, Gower*)

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Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/homeaffairscom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Carol Oxborough (Clerk), Phil Jones (Second Clerk), Harriet Deane (Committee Specialist), Adrian Hitchins (Committee Specialist), Andy Boyd (Senior Committee Assistant), Mandy Sullivan (Committee Assistant) and Jessica Bridges-Palmer (Committee Media Officer).

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1 Introduction

1. There are estimated to be at least 95,000 unaccompanied child refugees in Europe. 20,000 unaccompanied children arrived in Italy by sea in the first nine months of 2016, up from 16,500 in 2015, with a further 2,300 in Greece.¹ In 2015, 3,253 unaccompanied children claimed asylum in the UK; the number in 2016 was 3,175.²

2. In May 2016, the Government agreed to an amendment to the Immigration Act 2016 (Section 67) which committed it to accepting a “specified number of unaccompanied refugee children from other countries in Europe”. This was to include children in the migrant camps in Calais, as well as in migrant arrival areas in Italy and Greece.³ In early February 2017, the Government announced that this “specified number” of children would total 350, 200 of whom had already arrived in the UK.⁴ This number was far lower than many people had anticipated and would mean that the transfer of children under Section 67 of the Immigration Act ended much earlier than many people had expected.

3. In response to this announcement, we decided that we needed to hold an urgent oral evidence session. On 22 February, we took evidence from organisations working with unaccompanied children in Europe and the UK; the Children and Young People’s Commissioner for Scotland; and from representatives of local authorities, which are responsible for providing care for unaccompanied asylum-seeking children arriving in the UK.⁵

4. We intend to take further evidence on this important issue, including from the Minister for Immigration, Robert Goodwill MP, and from Kevin Hyland, the Independent Anti-Slavery Commissioner. Mr Hyland visited migration “hotspots” and other relevant locations in Italy and Greece in May and June 2016 at the request of the then Home Secretary, and subsequently drew a number of “priority considerations” to the Government’s attention. On 22 February, he published a statement on “protecting unaccompanied child refugees against modern slavery and other forms of exploitation”, which set out his views on safe refuge for child refugees under Section 67 of the Immigration Act 2016 and the Dublin III Regulation; improving protection for child migrants in Europe; and the importance of addressing the root causes of trafficking at source.⁶

5. In the meantime, we decided to publish this very short interim report to inform consideration in the House of Commons of the Children and Social Work Bill, which aims to improve provision for “looked after” children in the care of local authorities. This includes

1 Oral evidence taken on [22 February 2017](#), HC 1026, Qs 2 and 41. See also Safya Khan-Ruf and Maeve McClenaghan, Bureau of Investigative Journalism, [12 April 2016](#), “Fourfold rise as 95,000 unaccompanied children claim asylum in Europe in 2015”; and UNICEF press release [18 October 2016](#). The UK Government uses the term “unaccompanied asylum-seeking children” (UASC).

2 Home Office, [Immigration Statistics](#), 23 February 2017, Table AS_08q

3 10 Downing Street press release, [4 May 2016](#), “Unaccompanied asylum-seeking children to be resettled from Europe”

4 Home Office Written Statement on Immigration, HC Deb [8 February 2017](#), HCWS467

5 Oral evidence taken on [22 February 2017](#), HC 1026. The organisations represented were: the Children’s Society, Safe Passage (Citizens UK), International Rescue Committee, Save the Children, UNICEF, the Local Government Association, the Leader of the London Borough of Hammersmith and Fulham, and Tam Baillie, the Children and Young People’s Commissioner in Scotland. Witness details are set out at the end of this report.

6 Independent Anti-Slavery Commissioner, [Statement](#) on protecting unaccompanied child refugees against modern slavery and other forms of exploitation, 22 February 2017; and [Annual Report 2015–16](#), published October 2016

migrant children who arrive or are accepted in a local authority area.⁷ Amendments to the Bill will be debated in the House on 7 March as it reaches the final stages of the parliamentary process. Chapter 3 of this report sets out some recommendations for action on child migrants which we believe the Government needs to take immediately, to inform the debate. We will publish a more detailed final report once we have heard from the additional key witnesses.

2 Children coming to the UK under the Dubs and Dublin processes

6. During the passage of the Immigration Bill (now the Immigration Act 2016), an amendment was tabled by Lord Dubs with the objective of requiring the Government to commit to providing further assistance to unaccompanied children in the Calais camps and in migrant arrival points in European countries, particularly in Greece and Italy. The Dubs amendment as initially tabled called for the Government to “make arrangements to relocate to the United Kingdom and support 3,000 unaccompanied refugee children from other countries in Europe”.⁸ The House of Commons rejected this amendment; it was then retabled and accepted by the Government in the following terms:

The Secretary of State must, as soon as possible after the passing of this Act, make arrangements to relocate to the United Kingdom and support a specified number of unaccompanied refugee children from other countries in Europe.⁹

7. In announcing that it had accepted this approach, the Government made clear that children registered in Greece, Italy or France before 20 March 2016—the date of the EU–Turkey agreement on migrants—would be eligible for resettlement under the initiative. The Government stated that it was “not putting a fixed number on arrivals, but will instead work with local authorities across the UK to determine how many children will be resettled”.¹⁰

Government announcement on the number of children to be accepted under the Dubs scheme

8. The Home Office issued a Written Statement on 8 February 2017 which provided an update on the number of unaccompanied child migrants to be received in the UK under the Dubs amendment. The Statement set out that, in accordance with Section 67 of the Immigration Act, the Government would transfer “the specified number of 350 children pursuant to that section, who reasonably meet the intention and spirit behind the provision”. This effectively placed a limit of 350 on the total number of children to be accepted under the Dubs process. The 350 figure included over 200 children already transferred from France during 2016, meaning that only 150 further places remain available. The Home Office indicated that it would announce “in due course” the basis on which the remaining children up to the specified 350 would be transferred.¹¹

Concerns about legal schemes acting as a “pull” factor for child migrants

9. When the Government announced the Dubs arrangements for receiving unaccompanied children, it stated that the process would apply only to children who were in the EU before the date on which the EU–Turkey agreement on migrants was signed

8 HL Deb [21 March 2016](#) col 2091. See also [Full Fact](#), Dubs Amendment: 3,000 children? 10 February 2017

9 [Immigration Act 2016](#), Section 67

10 10 Downing Street press release, [4 May 2016](#), “Unaccompanied asylum-seeking children to be resettled from Europe”

11 HC Deb [8 February 2017](#), HCWS467. The content of the Statement was the subject of an Urgent Question on the following day, tabled by the Home Affairs Committee Chair—see HC Deb [9 February 2017](#), cols 637–652

(20 March 2016) because this retrospective aspect of the scheme would “avoid creating a perverse incentive for families to entrust their children to people traffickers”.¹² In responding to an Urgent Question on 9 February, the Home Secretary reiterated this view more than once. She said that continuing to accept children under the Dubs amendment “indefinitely” acted as “a pull” which “encourages the people traffickers”; and that “if we continue to take numbers of children from European countries, particularly France, that will act as a magnet for the traffickers.”¹³

10. In contrast, witnesses from organisations working with child migrants told us that legal schemes such as Dubs have the opposite effect, in that safe and legal migration routes disrupt the activities of people traffickers; and they emphasised that children were more likely to turn to traffickers if they believe that their legal options, such as the Dubs scheme, have been exhausted. Lily Caprani of UNICEF told us “where there is not a safe and legal route to make them safe, [children are] going missing and sometimes falling into the hands of traffickers, smugglers or others who would exploit them”. George Gabriel of Safe Passage agreed that “there can be no doubt that closing a safe and legal route results in further pressures on them [children] to enter trafficking and smuggling networks”.¹⁴

11. In his statement published on 22 February, the Anti-Slavery Commissioner said:

One important method of protection is providing refuge for children in the UK through safe migration routes [...] Section 67 of the Immigration Act 2016 opened up an important safe and legal route to refuge in the UK for unaccompanied refugee children without family in the UK, providing it was in their best interests. I have been informed of a number of cases whereby through this route children who had been exploited en-route to Europe are now living safely in this country.

Mr Hyland also asked the Government to clarify its view that Section 67 of the Immigration Act was discouraging children from staying in safe centres in France.¹⁵

Capacity of local authorities to accept unaccompanied migrant children

12. The Government’s Written Statement said that it had fulfilled the legislative requirement of consulting local authorities on their capacity to care for and support unaccompanied asylum-seeking children before deciding on the 350 number. It stated that local authorities had indicated that they had capacity for a total of about 400 unaccompanied asylum-seeking children until the end of the current financial year. However, it was noted that “at least 50” places were being reserved for children arriving under family reunion arrangements which then proved to be unsuccessful, bringing the total for Dubs process children down to 350.¹⁶

12 10 Downing Street press release, [4 May 2016](#), “Unaccompanied asylum-seeking children to be resettled from Europe”

13 HC Deb [9 February 2017](#), cols 639 and 645

14 Oral evidence taken on [22 February 2017](#), Qs 1 and 6., See also Qs 5–9; and 58–59

15 Independent Anti-Slavery Commissioner, [Statement](#) on protecting unaccompanied child refugees against modern slavery and other forms of exploitation, 22 February 2017

16 HC Deb [8 February 2017](#), HCWS467

13. The oral evidence we heard from the Local Government Association and from the Leader of the London Borough of Hammersmith and Fulham, Cllr Stephen Cowan, cast some doubt on how thorough the consultation undertaken by the Home Office to establish the capacity of local authorities to take more migrant children had been. It was suggested that up to a further 4,000 places might be made available by local authorities if additional central funding could be provided. Councillor Cowan told us: “if I talk to council leaders across London, there is certainly extra capacity. The Lewisham example stands for itself: over 20 places sitting available that have not been picked up”. The Children’s Commissioner for Scotland also indicated that further provision could be made available in Scotland.¹⁷

14. Baroness Williams of Trafford, Minister of State in the Home Office, has said that she would “encourage more local authorities that think that they might have places to come forward”.¹⁸ The Anti-Slavery Commissioner also emphasised that: “The capacity of local authorities being able to fully support and protect these unaccompanied children is crucially important [...] It has been suggested that there may in fact be greater local authority capacity [...] I would welcome greater transparency on this crucial issue of capacity”.¹⁹

The Dublin system

15. Unaccompanied children also come to the UK under the terms of an EU convention, known as the Dublin Regulation, which determines which EU country takes responsibility for processing asylum claims.²⁰ Generally the first country an asylum-seeker enters is responsible for processing a claim, but there are exceptions where they have relatives living in another EU country. The Dublin Regulation specifies that the state in which a child lodges an asylum claim should try to identify family members (parents or legal guardian), or siblings and other relatives who are legally present in other signatory states and, subject to it being in the child’s best interests, should transfer responsibility for the child’s asylum claim to the state responsible for the asylum claim of those family members.²¹

16. The Government has indicated that the majority of the 750 unaccompanied children who came to the UK from the Calais camps in 2016 were transferred under an accelerated process based on the family reunion criteria of the Dublin Regulation. The Government describes this as “a one-off process, based on the principles of the Dublin framework but operated outside of it [...] in response to the unique circumstances of the Calais camp clearance”.²² The Home Office made clear on 20 February that “the Calais operation”—the one-off process under the Dublin principles—“has now concluded”. The Home Office also stated, though, that it had agreed with the French authorities “that we will review any new information from children formerly resident in the Calais camp to assess whether it would change our determination of their eligibility under the Dublin regulation, to encourage an

17 Oral evidence taken on [22 February 2017](#), Qs 66; 69–73; 76; and 82–83

18 HL Deb [9 February 2017](#), col 1859

19 Independent Anti-Slavery Commissioner, [Statement](#) on protecting unaccompanied child refugees against modern slavery and other forms of exploitation, 22 February 2017

20 The Convention is named after the city in which it was first agreed in 1990. It is also referred to as Dublin III as the version currently in force is the third iteration. See [Regulation \(EU\) No 604/2013](#).

21 Refugee Council Policy Briefing, [November 2015](#), Dublin regulation and family unity

22 Written Statement on Immigration, HC Deb [8 February 2017](#), HCWS467

application”.²³ However, the Anti-Slavery Commissioner has commented that the Dublin processes “are not working for children. They are not waiting. Frustration and lack of confidence in the process is a key contributor to increased vulnerability to risk-taking behaviour which leads to greater vulnerability to modern slavery”.²⁴

23 The Guardian, [19 February 2017](#), “Home Office agrees to review asylum claims of child refugees in France”

24 Independent Anti-Slavery Commissioner, [Statement](#) on protecting unaccompanied child refugees against modern slavery and other forms of exploitation, 22 February 2017

3 Recommendations

17. As we have indicated, we will continue to examine the vital issue of the UK's support for unaccompanied child migrants, including by taking further evidence, and by looking further at the operation of the Dublin process, as well as the Dubs scheme. However, there are two steps which we call on the Government to take now, as a matter of urgency.

18. We recommend that, before implementing any changes to the Dubs scheme, the Government respond urgently to the statement published by the Independent Anti-Slavery Commissioner on 22 February, and consult him on his assessment of the likely impact of any such changes on the scale of trafficking of unaccompanied children.

19. We further recommend that, before implementing any changes to the Dubs scheme, the Government publish up-to-date information on the offers made by local authorities to take unaccompanied asylum-seeking children under Section 67 of the Immigration Act 2016; and that it clarify their capacity to take further unaccompanied asylum-seeking children under this provision in the 2017–18 financial year. This process should take account of the variations in total costs of accepting asylum-seeking children in different parts of the country.

Formal Minutes

Thursday 2 March 2017

AFTERNOON SITTING

The Committee met in Renfrew Town Hall

Members present:

Yvette Cooper, in the Chair

David Burrowes

Stuart C McDonald

Mr Ranil Jayawardena

Naz Shah

Draft Report (*Unaccompanied child migrants*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 19 read and agreed to.

Resolved, That the Report be the Thirteenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 7 March at 2.00 pm.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 22 February 2017

Question number

Lily Caprani, Deputy Executive Director, UNICEF, **George Gabriel**, Project Lead, Safe Passage UK, **Martha Mackenzie**, Deputy Head of Government Relations, Save the Children, and **Melanie Ward**, Associate Director, Policy and Advocacy, International Rescue Committee

[Q1–59](#)

Tam Baillie, Children and Young Person's Commissioner for Scotland, **Councillor Stephen Cowan**, Leader of the Council, London Borough of Hammersmith and Fulham, **Richard Crellin**, Policy Manager, Poverty and Inequality, The Children's Society, and **Councillor David Simmonds CBE**, Chairman of the Asylum, Refugee and Migration Task Force, Local Government Association

[Q60–132](#)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2015–16

First Report	Psychoactive substances	HC 361 (HC 755)
Second Report	The work of the Immigration Directorates (Q2 2015)	HC 512 (HC 693)
Third Report	Police investigations and the role of the Crown Prosecution Service	HC 534
Fourth Report	Reform of the Police Funding Formula	HC 476
Fifth Report	Immigration: skill shortages	HC 429 (HC 857)
Sixth Report	The work of the Immigration Directorates (Q3 2015)	HC 772 (HC 213)
Seventh Report	Police and Crime Commissioners: here to stay	HC 844 (HC 822)
First Special Report	The work of the Immigration Directorates: Calais: Government Response to the Committee's Eighteenth Report of Session 2014–15	HC 380
Second Special Report	Out-of-court Disposals: Government Response to the Committee's Fourteenth Report of Session 2014–15	HC 379
Third Special Report	The work of the Immigration Directorates (Q2 2015): Government Response to the Committee's Second Report of Session 2015–16	HC 693
Fourth Special Report	Psychoactive substances: Government Response to the Committee's First Report of Session 2015–16	HC 755
Fifth Special Report	Immigration: skill shortages: Government Response to the Committee's Fifth Report of Session 2015–16	HC 857

Session 2016–17

First Report	Police diversity	HC 27 (HC 612)
Second Report	The work of the Immigration Directorates (Q4 2015)	HC 22 (HC 675)
Third Report	Prostitution	HC 26
Fourth Report	College of Policing: three years on	HC 23 (HC 678)

Fifth Report	Proceeds of crime	HC 25 (HC 805)
Sixth Report	The work of the Immigration Directorates (Q1 2016)	HC 151
Seventh Report	Migration Crisis	HC 24 (HC 1017)
Eighth Report	Radicalisation: the counter-narrative and identifying the tipping point	HC 135
Ninth Report	Female genital mutilation: abuse unchecked	HC 390
Tenth Report	Antisemitism in the UK	HC 136
Eleventh Report	The work of the Independent Inquiry into Child Sexual Abuse	HC 636
Twelfth Report	Asylum accommodation	HC 637
First Special Report	The work of the Immigration Directorates (Q3 2015): Government Response to the Committee's Sixth Report of Session 2015–16	HC 213
Second Special Report	Police diversity: Government Response to the Committee's First Report of Session 2016–17	HC 612
Third Special Report	The work of the Immigration Directorates (Q4 2015): Government Response to the Committee's Second Report of Session 2016–17	HC 675
Fourth Special Report	College of Policing: three years on: Government and College of Policing responses to the Committee's Fourth Report of Session 2016–17	HC 678
Fifth Special Report	Proceeds of crime: Government response to the Committee's Fifth Report of Session 2016–17	HC 805
Sixth Special Report	Police and Crime Commissioners: here to stay: Government response to the Committee's Seventh Report of Session 2015–16	HC 822
Seventh Special Report	Migration Crisis: Government Response to the Committee's Seventh Report	HC 1017