

## **The Liberal Democrats: a Blueprint on Unaccompanied Asylum Seeking Children**

### **Coram Children's Legal Centre's response, March 2016**

Coram Children's Legal Centre (CCLC), part of the Coram group of charities, is an independent charity working in the United Kingdom and around the world to protect and promote the rights of children, through the provision of direct legal services; the publication of free legal information online and in guides; research and policy work; law reform; training; and international consultancy on child rights. Founded in 1981, CCLC has over 30 years' experience in providing legal advice and representation to children, their parents and carers and professionals throughout the UK. The CCLC's legal practice specialises in education, family and immigration law and CCLC operates several free advice phone lines including the Child Law Advice Line and the Migrant Children's Project Advice Line. The Migrant Children's Project at CCLC provides specialist advice and legal representation to migrant and refugee children and young people on issues such as access to support and services. As part of CCLC's work to promote the implementation of children's rights, CCLC has undertaken amicus curiae interventions in a number of significant cases, including in the European Court of Human Rights, the Supreme Court and the Court of Appeal, providing assistance to the court on matters of children's rights and best interests.

#### **Local authority co-ordination**

##### **1. *What are your views of the amendments to the Immigration Bill with regards to the dispersal mechanism?***

Coram Children's Legal Centre can see the advantages of a statutory mechanism for the transfer of responsibility for unaccompanied asylum-seeking children from one local authority to another, and for these children to be moved to areas of the country which are less stretched and where they can receive an appropriate level of child-centred care. However, in order for this system to be compliant with the government's duty to act in the best interests of children, and more specifically to have regard to the need to safeguard and promote the welfare of children under Section 55 of the Borders, Citizenship and Immigration Act 2009, the mechanism would have to operate differently to, and more flexibly than, the dispersal system currently in place for destitute adult asylum-seekers. A system designed for the transfer of responsibility for children should not be referred to as 'dispersal'.

It is likely to be in the best interests of a child who has just arrived in the UK to transfer responsibility for them from one local authority to another very quickly, so that the child is not forging a support base and relationships of trust which are later removed. In practice, this would mean that decisions would have to be made very quickly, and that arrangements were in place for the reception of the child in a matter of hours – transfer would need to take place within the first 48-72 hours at the very least. However, some unaccompanied children can be in the UK for many months or years before they claim asylum for perfectly legitimate reasons, and can build strong connections in that time – for every child a best interests assessment would be required to determine whether moving was appropriate or not.

We have conducted research into the operation of the voluntary system for the transfer of responsibilities from Kent for unaccompanied asylum-seeking children, sending FOI requests to all relevant local authorities in England. From this research, we understand that the voluntary system currently in place has demonstrated some of this flexibility already. One local authority, which took on responsibility for a relatively high number of children from Kent, did so in some additional cases because the child had personal links to the authority. Ultimately we would expect any system designed for the care of children to be sensitive to the preferences, as well as the needs, of the child.

It should also be noted that the amendments to the Immigration Bill as drafted suggest that children that do not go on to seek asylum could also be subject to the compulsory transfer provisions. This is discussed in greater detail below under ‘the status of unaccompanied asylum-seeking children’.

### **Age assessment**

The consultation document states that the 3,000 children would be initially screened at European reception centres. While any screening system should ensure that children are only age assessed when there is significant reason to doubt their claimed age,<sup>1</sup> we assume that this screening process would in some cases include an age assessment of some kind. However, in the EU context, there is a varying practice with regards to age assessments, with many countries relying on medical methods for age determination (such as bone or dental x-rays) which are flawed and inaccurate. Best practice in this area involves multidisciplinary age determination procedures which draw on assessments by psychologists, social workers, and others, and the UK’s approach is actually more progressive than that taken in many other EU countries. CCLC’s priorities would be to ensure that this process is carried out according to best practice, and that children would never have to have their age assessed more than once, as the process is confusing, potentially invasive and difficult.

Ideally, the assessment would be carried out before the child or young person were brought to the UK. It would not be appropriate for the local authority of the port of entry to conduct the assessment as this could delay the transfer of responsibility from one local authority to another for an unacceptable length of time. Furthermore, the receiving local authority would not be bound by the assessment and the child may be subject to further assessment later down the line.

#### ***2. Do you believe that there should be a coordinated national system to disperse unaccompanied minors? How do you believe this would best work? Are either of the two models proposed above favourable and viable?***

From the operation of the Migrant Children’s Project advice line, which deals with over 1,200 queries a year from across the country, we are well placed to state that provision of advice and services for children and young people subject to immigration control, including those in the asylum system, is not evenly spread across the country. Even some well-populated and diverse areas of the country are ‘advice deserts’, in which it is very unlikely a child or young person will be able to access quality legal advice on immigration and asylum.

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<sup>1</sup> As outlined in statutory guidance – Department of Education, *Care of unaccompanied and trafficked children: Statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children*, July 2014 at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/330787/Care\\_of\\_unaccompanied\\_and\\_trafficked\\_children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330787/Care_of_unaccompanied_and_trafficked_children.pdf)

Similarly, not all areas of the country are equally able to provide a culturally sensitive placement for an unaccompanied child. This is well stated in one response to our recent Freedom of Information (FOI) request on the voluntary dispersal of young people from Kent:

*“Local authorities have been asked to offer any suitable foster or residential care placements if they are able. Unfortunately, we have been unable to make an offer due to a lack of suitable placements as well as a lack of appropriate communities and resources to provide support to them and their carers. Whilst we welcome the Government’s decision to provide additional funding to cover the costs, it is not only a matter of funding. Simply dispersing unaccompanied asylum seeking children around the country to areas that may lack access to culturally-appropriate communities and resources or connected persons may not be in the best interests of those children in the long-term. It is vital that children are brought up in families and communities that can address their sense of identity and belonging or access local advice and support to meet those needs.”*

While we tentatively agree that a co-ordinated national system could be the tool by which some of these issues were mitigated; oversight and adequate funding are certainly required.

There may be a value in a separate organisation or body which oversees the availability of places and coordinates the transfer of unaccompanied children from port authorities to other areas, whilst also offering a support function (including ongoing advice, support, training and sharing of best practice). However, based on the limited information provided by the LGA and others, CCLC is unable to support a model which would remove children from the existing local authority support system, whereby all unaccompanied children are transferred to the responsibility of a third party contractor. At present, there are clear duties towards these children under the Children Act 1989 and the ongoing safeguard that if a local authority is not providing adequate support and care to a child, they may be challenged through judicial review. Any third party contractor would need to hold the same legal responsibilities and have the same accountability in order for children’s rights to be protected – it is hard to see how this would operate in practice.

CCLC would certainly not support the operation of any kind of centralised holding system for unaccompanied children. No proposals we have seen to date provide any answer to the questions of how would be accommodated prior to transfer or – vitally – who would have legal responsibility for these children before and during the transfer. HMIP have recently inspected holding facilities in Kent, where individuals – both adults and children – are held pending transfer, and their report confirms our worst suspicions that privately managed holding facilities are inadequate and there is a lack of oversight from safeguarding authorities. The report found that at Dover Seaport and Longport freight shed a large number of children were held with adults, with considerable safeguarding risks. Even as a short-term holding facility, the provisions made for all detainees but particularly unaccompanied children were grossly inadequate, with no provision for food or space for resting, and these inadequacies had been internally identified but not remedied.<sup>2</sup> Any suggestion that children should be held pending transfer should be informed by this report.

Of the two options laid out in the consultation paper, CCLC would prefer to see the use of regional hubs liaising with local councils. As previously noted, there are vast discrepancies across the country in

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<sup>2</sup> HMIP, ‘Report on an unannounced inspection of the short-term holding facilities at Longport Freight Shed, Dover Port and Frontier House’, 2016

the availability and provision of support and services, and these could perhaps be better managed at a regional level. However, were responsibility for being a 'regional hub' to fall to an already overstretched local authority, we have concerns that the process would simply go un-managed without additional funding and support for that local authority. The Home Office suggested something similar in 2008 and no authorities stepped forward, primarily due to concerns about funding.

Our concerns have been informed by our research into the operation of the voluntary system. It seems that several local authorities offered to take on responsibility for some children from Kent in 2015, but their offers were not taken up. For the 29 local authorities that did transfer responsibility from Kent, 3 more tried to do so without success. In one particularly troubling case, Kent accepted the local authority's offer in writing, and so the second authority made the placement, but Kent did not take it up. The second authority funded the placement for a week before closing the bed. Kent never came back to explain why the placement was not taken up. Clearly this process needs oversight and accountability, but we can only surmise that already stretched local authorities might not be best placed to provide this.

CCLC is concerned that a third party contractual arrangement could lead to the 'contracting out' of care for some of the most vulnerable children in the country. There is a legitimate fear that any contract would be awarded to the lowest bidder, resulting in reducing levels of support for this group. Many of the existing large government contractors that would be likely to bid for the management of this process already have a track record in the provision of public services to the very vulnerable. This track record is, quite simply, poor.<sup>3</sup>

In short, while a centralised system might, as suggested, simplify funding, there needs to be much more thinking around how this would operate, practically and legally, and in the absence of this information CCLC is concerned that this approach would not be in the best interests of the children involved.

### ***3. What can be done to ensure that local authorities with long histories of caring for unaccompanied asylum seeking children share best practice?***

The consultation document makes reference to the fact that 'one-third of local authorities currently look after 91% of the UASC population'. However, it is not our experience that these particularly stretched local authorities are necessarily employing best practice. Furthermore, it is important to note that it is not only local authorities with experience of best practice – a number of charities and NGOs work with this group and will also have expertise to share.

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<sup>3</sup> For examples, please see:

Inspection of secure training centres, 'Inspection of Rainsbrook Secure Training Centre', February 2015:

<http://reports.ofsted.gov.uk/sites/default/files/documents/secure-training-centre-reports/rainsbrook/Rainsbrook%20STC%20Ofsted%20report%20February%202015%20%28PDF%29.pdf>

HMIP, 'Report on an unannounced inspection of Tinsley House Immigration Removal Centre', December 2014:

<https://www.justiceinspectors.gov.uk/hmiprisons/wp-content/uploads/sites/4/2015/05/Tinsley-House-web-2014.pdf>

HMIP, 'Report on an unannounced inspection of HMP Doncaster', April 2014:

<https://www.justiceinspectors.gov.uk/hmiprisons/wp-content/uploads/sites/4/2014/08/Doncaster-Web-2014.pdf>

Public Accounts committee, 'COMPASS: Provision of asylum accommodation', 7 April 2014

<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmpubacc/1000/1000.pdf>

CCLC delivers specialist training on the rights and entitlements of young migrants and refugees, and in 2015 delivered this training to representatives from a range of local authorities including Islington, Waltham Forest, Harrow, Kingston and Richmond, Cheshire, West Sussex, Enfield, North Yorkshire, Hounslow, Lewisham, Lambeth, Hillingdon, Havering and Wigan. Based on our practice, it is our view that specialised training on the rights, entitlements, and support of unaccompanied asylum-seeking children should be provided in *all* local authorities – this could be overseen by Local Safeguarding Children’s Boards, who have responsibility for monitoring and evaluating monitor the effectiveness of training in their areas.<sup>4</sup>

The process of maintaining high standards of care could also helpfully be tied into a system of independent guardianship recently trialled by the Home Office that will be piloted again in 2016 – one proposal for this pilot is that the system is broadened to include all unaccompanied children, not just confirmed victims of trafficking. It remains CCLC’s strong belief that all separated children in the UK should have a legally-powered guardian or advocate appointed to support and assist them throughout the various processes they encounter in the UK. This need will be particularly urgent where a child is transferred between local authorities, as it will provide legal oversight and an individual with ongoing legal powers in relation to that child.

## **Funding**

- 1. *Is the funding available to local authorities sufficient?***
- 2. *Does the funding model as currently structured provide the necessary stability to local authorities to enable them to plan and budget?***

Local authorities themselves will be better placed to provide information on their levels of funding.

There is an age-dependent per capita formula for the grant reclaim for unaccompanied asylum seeking children, with a larger grant attached to children under 16 in recognition of the additional expense of placing them in foster care. Those aged 16 and 17 are normally expected to live in less expensive semi-independent accommodation with others in their situation.

The extra financial incentive for the voluntary transfer of responsibilities from Kent in 2015 that the Home Office offered above and beyond the age-related per capita grant did not seem to have a large impact. Several local authorities responded to CCLC’s FOI request by saying that they had queried the sustainability of Home Office funding, and would not be taking any children from Kent voluntarily before the funding position was qualified. This seems to have been the collective response from Greater Manchester, for example, as noted by Tameside:

*“The approach taken on this issue was a Greater Manchester wide one whereby it was clearly stated that we would accept children if a fully funded solution was in place. Such a solution is not yet in place and therefore there have been no children placed in Tameside as a result of this request from colleagues in Kent.”*

It is also important to understand that, as previously noted, not all unaccompanied children who arrive in the UK go on to claim asylum, and for children who do not claim asylum there is no grant-reclaim

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419595/Working\\_Together\\_to\\_Safeguard\\_Children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf)

mechanism. For those children who do not claim asylum there is no legal aid for immigration advice and representation, and so this would fall to the local authority caring for that child to fund.

### **Status of unaccompanied asylum-seeking children**

- 1. What challenges do different statuses being awarded pose to local authorities both in the short and long term?**
- 2. Do you agree with the paragraph above which states that a lack of long-term settlement can lead to insecurity and instability? Should ILR be awarded be seen as the rule rather than the exception when dealing with unaccompanied asylum seeking children? Please give reasons for your answer.**

**CCLC strongly advocates granting children indefinite leave to remain in the first instance.** It is only through a grant of permanent status that children and young people will be able to integrate fully into society, work and develop and rebuild their lives. Different types of leave affect a young person's ability to access healthcare, education and other forms of support in different ways, with serious implications for local authorities planning for the future of children and young people in their care. For example, a young person with indefinite leave to remain wishing to go to university is entitled to home fees, and can also access student finance so long as s/he has been resident in the UK for the three years preceding the first day of the first academic year of the course. This could affect the provision of leaving care support beyond the age of 21, to which a young person is only entitled if they are still in work and training.

Being granted a temporary form of leave will not only have practical implications for the child or young person but can result in constant insecurity and fear that derives from not knowing what will happen when you turn 18. This can exacerbate existing mental health issues. It also makes local authority planning for the child's future extremely difficult.

While we advocate the grant of ILR, however, other types of leave are discussed below.

**Seeking asylum:** The consultation document states that 'children will be screened to register an application for asylum'. It is not clear whether this screening process is intended to take place outside the UK, at the port of entry or once a child has been placed. If these children had to be brought to the UK as 'asylum seekers' CCLC would advocate that, in order for a child to receive consistent and sustained legal advice, asylum processing should not begin until a child is settled in the local authority to which he or she has been transferred .

However, not all children who arrive in the UK at present unaccompanied go on to claim asylum, and this is likely to be the case for some of the proposed 3000 new arrivals. Often, deciding whether or not to claim asylum is a lengthy process that requires reputable and sustained legal advice. However, the amendments to the Immigration Bill as drafted suggest that children that do not go on to seek asylum could also be subject to the compulsory transfer provisions. For children who do not claim asylum there is no grant-reclaim mechanism, and so local authorities must foot the bill alone. This is discussed in greater detail under 'funding', above. We would also be very concerned about the long-term planning for children brought from very vulnerable situations across Europe who are not in fact eligible for asylum in the UK and what provision would therefore be made for them to seek further

immigration advice, and where the burden of paying for this would fall. It is currently the obligation of the local authority to fund immigration advice where a child is in their care. Some children may in fact be placed in a better position if they seek asylum in a different European country, and therefore would need independent legal advice before agreeing to a transfer, which would have implications for other countries' advice provisions.

**Refugee status/humanitarian protection:** Both refugee status and humanitarian protection are granted for an initial period of five years, after which a young person must apply for indefinite leave to remain. To date, most individuals have gone on to be granted ILR, but recent announcements from the Home Office have suggested that the government intends for there to be increased emphasis on whether a refugee or someone granted humanitarian protection can be returned to their country of origin at the end of the five years. This raises concerns that children will still face insecurity and be unable to plan their futures even if granted this status.

**'UASC leave':** If unaccompanied children were brought to the UK *en masse*, granted UASC leave and put in the care of local authorities, significant problems would arise a few years down the line. For the child, the problems faced are emotional and psychological, and relate to an inability to settle in the UK or plan for the future. For the local authority, there will also be significant financial implications. Most grants of limited leave to remain are for 2.5 years, or until the child reaches 17.5, whichever is the shorter. After this it is generally necessary for a child to make an application to extend their leave to remain. For example, a child aged 14 who is granted limited leave would need to apply to Home Office for an extension to their leave at age 16.5. Securing legal representation for children and care leavers with immigration claims is not secondary or optional for local authorities: it is critically important to promoting the welfare of the child or young person and forms part of their duties. Indeed, failure to assist a child or young person to resolve their immigration status could leave local authorities open to challenge.

Most children granted this type of leave would not be entitled to pay home fees and would not be eligible for student finance. As such, they would have little to no hope of entering university and continuing their education and personal development in line with other children of the same age.

It must also be taken into account that under provisions in the Immigration Bill currently going through the House of Lords, former looked after children, who require leave to enter or remain when they turn 18 but do not have it and are not asylum seekers (including those who arrived as children and sought asylum and were granted 'UASC leave' which had subsequently expired) will be excluded from receiving accommodation, financial support, maintaining contact, a personal adviser, a pathway plan, funding for education or training, 'staying put' with foster carers and any other assistance under sections 23C, 23CA, 23CZA, 23D, 24A or 24B of the Children Act 1989 (leaving care provisions). While this would forcibly remove a portion of the financial burden from local authorities, it would be highly morally questionable to bring in 3000 unaccompanied children under a so-called 'resettlement' programme only to remove almost all care and support when they reach 18.

**3. *What is your assessment of the process a child must go through to (a) register their asylum application and (b) see it through to its conclusion?***

The process of registering and pursuing an asylum claim as a child in the UK is, in theory, good. Were Home Office guidance adhered to throughout the process, children would be well cared-for. However,

our experiences of the UK asylum process in practice are not good. There are several notable problems with the way children in general are handled throughout the process that are systemic violations of the government's duty to have regard to the need to safeguard and promote the welfare of children, as follows:

- **Temporary UASC leave is granted in too many cases in the first instance** – 805 children were granted UASC leave in 2015, which is 42% of total grants to unaccompanied asylum-seeking children and up proportionally from 2014 figures (380 grants, 28% of total).
- **Too many children have their age disputed** - there were 700 recorded age assessments in 2015 and 766 children had their age disputed. Statutory guidance on the care of unaccompanied children states that: 'Age assessments should only be carried out where there is significant reason to doubt that the claimant is a child. Age assessments should not be a routine part of a local authority's assessment of unaccompanied or trafficked children'<sup>5</sup>.
- **There is insufficient specialist legal advice** – CCLC is one of the only organisations able to provide legal advice and representation on all issues affecting unaccompanied children, and while there are other dedicated and brilliant immigration lawyers working on behalf of children there is insufficient infrastructure and specialisation within the legal profession to meet the demand.
- **Children are screened, and must appeal, in the same place as adults** – little thought or resource is given to the creation of child-friendly environment. The only concession for children that CCLC has noted in Croydon is the presence of a television in an otherwise bare room, which sometimes plays a cartoon.
- **There is generally a failure to explain what is happening in a child-friendly way, at every stage of the process** – an example of this is that children will usually have their photograph and fingerprints taken during an asylum screening, but the reasons for this are very rarely explained to the child.

**4. *The 3,000 children would be initially screened at European reception centres. In the majority of cases they would be given refugee status. Does this put them in a favourable position compared to the UASC already in the system?***

**At present, if a person is granted refugee status in another country, that person would be required to submit a fresh asylum application upon entering the UK. Without the creation of a specific policy in the UK to recognise any grants of status or leave to this group of children prior to entry, this will continue to be the case.** As such, any children granted refugee status outside of the UK by another European country would not be in a favourable position when compared to the unaccompanied asylum-seeking children already in the system, unless the Dublin III provisions were used to greater effect.

However, were the proposed 3,000 children to be brought in from Europe to be recognised by the UK as refugees prior to their arrival, in a similar way to those who enter the UK under the Syrian resettlement gateway, then they would have several significant advantages over asylum-seeking children that are already here. Such a granting of status would have obvious advantages in terms of a

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<sup>5</sup> Department for Education (2014) Care of Unaccompanied and Trafficked Children: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/330787/Care\\_of\\_unaccompanied\\_and\\_trafficked\\_children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330787/Care_of_unaccompanied_and_trafficked_children.pdf)

sense of stability and permanence, a validation of a child's persecution and trauma, the ability to work and, as discussed previously, the ability to access further and higher education. However, these advantages are not sufficient reasons on their own not to offer support to more children.

Furthermore, please note the concerns raised above that the government's pending asylum strategy could mean that even a grant of refugee status will not bring long-term security in the future.

## **Fostering**

There are many organisations well-placed to comment on fostering in the UK. However, CCLC has some insight through its recent research into the voluntary dispersal mechanism, as follows:

The majority of local authorities (91) noted that they had taken no action to increase the number of foster placements available specifically for the purposes of fostering unaccompanied asylum seeking children. A few stated that targeted training had been provided to their existing foster carers (Brighton and Hove, Gloucestershire, Hampshire, and Bath and North East Somerset). 12 local authorities specified that they had liaised with Homes for Good to increase the number of suitable fostering placements that could be offered to refugee or asylum seeking children. However, there is evidence that the interaction wasn't always positive, as per this statement from Milton Keynes:

*"Alongside our routine recruitment initiatives we held an open evening in November 2015 after we were contacted by a national charity informing us that 49 households within our area had expressed an interest in fostering refugee children. Only one person attended the evening."*

The turnover rates from those registering their interest in fostering generally to those completing the process are very low, and so we may surmise that Home for Good's assertion that it has 10,000 willing and ready to foster may be an overestimation.

That said, there is much work that can be done to improve the knowledge and capacity of existing foster carers and encourage more people to care for this group. CCLC has delivered training to a number of groups of foster carers in the past six months who have indicated that there is a great appetite for this support but little resource to fund it.

## **3,000 Children: Creating a two-tiered system**

### **1. *What more can be done to create safe and legal routes?***

While the consultation document focuses explicitly on orphans, it should be noted that a great many unaccompanied children are not orphans, and many have extended family that they are trying to reach. These children should not be excluded from the proposals of the Liberal Democrats, and indeed focusing on them could be a way of bringing in children safely and legally without creating a new system.

The UK has some of the most restrictive rules for family reunion for refugee children in the EU. It is very difficult for a UK-based refugee child to be reunited with their family members. If a family member was in a European country, they may be able to be reunited under the Dublin process.

The creation of an efficient, transparent and speedy system for Dublin transfers, based in other European countries with high numbers of refugee arrivals, together with support for those countries to accommodate and assist children would significantly reduce the risks children are exposed to on their journey to the UK. The Dublin III regulation requires the state in which a family member is legally present to take charge of an unaccompanied minor's claim where it is in his best interests to do so. Much better use could be made of this mechanism, with speedy examination of a child's family members and agreements between states to transfer cases to the UK. If vulnerable children were adequately informed of this procedure on entering Europe, and were assured that the route was viable, then it is likely to reduce their desire to continue their journey alone to the UK, although it will not eliminate this completely. Dublin III uses the language of a child's best interests, and is firmly rooted in international rights of the child under the UN Convention on the Rights of the Child.

CCLC are firmly of the view that extending the family reunion rights to refugee children would significantly reduce the risks to which they are exposed in the UK. This would mean allowing parents, siblings and other family members to join a child who has been identified as unaccompanied at a later stage, once asylum is granted. The current rules do not recognise the refugee child's right to be reunited with their parents but regards it as a matter of discretion to be exercised only when there are compelling circumstances. These restrictions make it difficult to see how the UK complies with the UK's obligations under the United Nations Convention on the Rights of the Child (UNCRC) and especially Article 8 of the European Convention on Human Rights (right to private and family life). It should also be noted that such policies and rules are arguably in breach of the Home Office's duty under section 55 of the Borders, Citizenship and Immigration Act 2009 – to ensure that a child's welfare is safeguarded while in the UK, including decisions taken about them or that could impact their welfare.

Thought should be given as to how the unaccompanied children would be selected. Those with relatives in the UK may already have a viable route to enter the UK using Dublin III, particularly if, as outlined above, this process was made more efficient. If the intention was to provide refuge to children without a link to the UK, then consideration should be given to the legal advice they receive before accepting a transfer to the UK, their capacity to consent, and whether it is in their best interests to come to the UK. It is important to recall that other countries have different thresholds for the grant of asylum, and in some circumstances children may be in a better position if they make a claim elsewhere in the EU.

## ***2. What can central government and local authorities do to minimise the creation of a two-tiered system?***

Rather than trying to create a new process for a sub-section of the children likely to be in care in the near future, this call to action presents an opportunity to improve the system that is already in place for all children in care, especially unaccompanied asylum-seeking children and former unaccompanied asylum-seeking children who made their own way to the UK. CCLC work with these last two groups extensively across the UK, and witness the problems that these children and young people face on a daily basis. While we might like to see a quick solution for the many unaccompanied children in Europe

and further afield, our priority *must be* a long term solution for the maximum number of vulnerable children. We do not deem temporary protection that, once they reach the age of 18, is subsequently removed or severely threatened to be this long term solution.

At a time in which the protection of care leavers is under assault through provisions in the Immigration Bill, CCLC and many other organisations who work with children already in the UK are devoting their energies to limiting the damage that could be done to existing procedures. The changes discussed in the consultation document would mean a significant change to the care of children under the Children's Act 1989, and CCLC is concerned about any possible erosion of these responsibilities by the creation of a separate system for the care and responsibility of unaccompanied children who were not born in the UK. This legislation states, as a core principle, that where a need is identified services must be provided to children *because they are children*, irrespective of other status. **CCLC cautions against any proposals which would erode the power and functions of this legislation.**

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