

Summary

- The 'Illegal Migration' Bill has serious implications for vulnerable asylum-seeking, refugee and migrant children's safety and protection. Barnardo's is concerned that as currently drafted the Bill may deny children the chance to put forward their case for asylum, as well as limit the protections they are afforded through the National Referral Mechanism if they are identified as victims of trafficking.
- Barnardo's has a long history of supporting children who need us most, including those who seek sanctuary in the UK and have suffered trauma, exploitation, and trafficking. We are deeply concerned that the 'Illegal Migration' Bill could deny these children the help and protection they need.
- Barnardo's wrote to the Home Secretary and Minister of State for Immigration, alongside other children's charities, outlining our concerns when the Bill was first reported. We are still awaiting a response. Barnardo's is a member of the Refugee and Migrant Children's Consortium, and supports its briefing on this Bill.¹

Key concerns with the 'Illegal Migration Bill'

1. Disqualifying child victims of modern slavery

The Bill would disqualify victims of trafficking and modern slavery from protections under the National Referral Mechanism who arrived in the UK through irregular means on or after 7 March 2023. This includes child victims of trafficking whose family members meet these conditions. Children's claims will also be made inadmissible once they turn 18, even if they have previously been identified as a victim of trafficking.

Barnardo's runs specific services that support trafficked children, including:

1. The Home Office funded-Independent Child Trafficking Guardianship Service (ICTG), which supports children to cope with the practical and emotional trauma of being trafficked and helps them to understand and navigate social care services, the police and immigration. Between 2021 and 2022 we supported over 1400 children from more than 40 countries such as Vietnam, Albania, Sudan, Afghanistan and Eritrea.
2. The Independent Guardian Service in Northern Ireland, which, as of January 2023, has provided guardians for 230 children who are unaccompanied or separated from a legal guardian and who are at risk of human trafficking.

We are gravely concerned about the implications of the Bill for child victims of trafficking and modern slavery. Our practitioners are already reporting examples of children feeling unwelcome or facing hostility from members of the public. We are

¹ [Briefings on the Illegal Migration Bill - Refugee Migrant Children's Consortium \(refugeechildrensconsortium.org.uk\)](https://refugeechildrensconsortium.org.uk)

concerned this Bill will act as another tool that exploiters can use to keep young people in their control, as they feel they have no way out.

Case study: The ICTG service received a referral for Abdi*, Abdi fled the war in Syria and arrived in the UK in January 2022 a few months before his 18th birthday. Abdi was accommodated by a local authority in England where he was supported to access the opticians, dentist and medical appointments; he was enrolled in college and was attending regularly. Abdi went missing in May a few months after arriving in his placement, he took a bag and clothing with him when he left. Abdi was reported missing the same day and enquiries made with friends and college; attempts were also made to contact him by phone. Shortly before going missing, he told placement staff he had seen the news about asylum seekers being sent to other countries and that he was frightened that he would be deported.

At the strategy meeting held after he went missing it was highlighted that Abdi had shared his anxieties with his worker about the news reports and that before he went missing Abdi had been anxious and worried about the Home Office decision to send people who were seeking asylum in the UK to Rwanda and that he could potentially be deported.

*Pseudonym

2. Powers to accommodate children in unsafe accommodation

We continue to be concerned about separated children seeking asylum being accommodated in hotels. The Government repeatedly said this would only be a temporary measure, and although it is welcome that the numbers have reduced recently, this new Bill would in effect legitimise this practice by giving the Home Office powers to accommodate children. This is despite deeply worrying child protection reports² of children going missing from these hotels. We would instead urge the government to promptly transfer children out of temporary accommodation and into the care of local authorities.

We are concerned that, by giving Home Office power to accommodate children, this will risk creating a **two tier system** for children in the care of the state: Children entering the UK under some circumstances, including those who are trafficked, could be treated differently from others, potentially missing out on the protections in the Children Act 1989, under which local authorities must promote and safeguard the welfare of children in need in their area. This duty should apply to all children, irrespective of nationality.

3. Detention and removal of children

The 'Illegal Migration' Bill places a duty on the Home Secretary to remove adults, which will also include children in families, if they arrived through the UK through irregular means on or after 7 March 2023.

This Bill also gives the Secretary of State power to remove unaccompanied children when they reach the age of 18. This Bill could see a vulnerable child arriving alone in the UK at 10 years old fleeing war and persecution, being allowed to integrate into UK society, develop friendships and attend school, only to then be forcibly removed from

² [Channel migrants: 116 children missing from UK hotels - BBC News](#)

the UK as soon as they turn 18. We believe children growing up in the UK, being educated here and receiving investment by the taxpayer, are part of our society. It seems both unfair and inefficient to then 'return' them to a country they haven't known in years, when they see the UK as their home.

The Immigration Act 2014 banned the detention of unaccompanied children for more than a 24-hour period and placed restrictions on where a child could be detained, i.e. at short-term holding facility for immigration purposes or 'in pre-departure accommodation'. This new Bill will abolish those necessary protections afforded to children and instead allow for the routine detention of unaccompanied children beyond the 24-hour time limit and be detained anywhere the Secretary of State considers appropriate. Allowing children to be detained for prolonged periods of time is unacceptable and poses serious risks to their health, safety and protection.

We are particularly concerned about the age assessment process for children and the risk that they are mistakenly assessed as adults, meaning they would be detained and removed from the UK under the provisions set out in the Bill. These failings pose a major child protection risk that we urge the government to address immediately. Our services regularly support children who have been detained as adults, something we must ensure does not continue.

Suggested questions:

1. Will an unaccompanied child who has arrived in the UK irregularly, be routinely placed into specialist foster care as a matter of policy, or be eligible for adoption.
2. If two siblings are trafficked into the UK, one is 12 years old and the other is 18 years old, will the Bill essentially mean both will be detained and removed from the UK and denied any protection?
3. If an unaccompanied child is trafficked into the UK and is granted protection through the NRM, and a family member (who they may have never met) then arrives in the UK irregularly at a later time, does this disqualify the child's modern slavery protection?
4. Why was the decision taken to give the Home Office the power to accommodate children, when there are currently hundreds of children missing from Home Office accommodation?
5. The Government is proposing a new quote]a for refugees taken in through 'legal routes' – if another war happened like Ukraine after the quota is in place, would we be able to live up to our obligations to people fleeing war and seeking sanctuary?

About Barnardo's

Barnardo's is the UK's largest national children's charity. In 2021/22, we reached 357,276 children, young people, parents and carers through our 794 services and partnerships across the UK. Our goal is to achieve better outcomes for more children. To achieve this, we work with partners to build stronger families, safer childhoods and positive futures. **For more information contact Meta Randles, Senior Policy Adviser for Refugee and Migrant Children, on 07858376339 or meta.randles@barnardos.org.uk.**