



# **BRIEFING: IMMIGRATION AND ASYLUM BILL**

**Expected legislative changes  
affecting children and young people**

**June 2026**



**Changing childhoods. Changing lives.**

# Introduction

**Barnardo's believes that all children arriving in the UK deserve a warm welcome, including having both their physical and emotional needs met. Children need to be believed, respected and treated with dignity. This helps them rebuild their lives and establish new homes, friendships and communities.**

We urge the government to reconsider its approach and framing when it comes to children and families arriving and building a life in the UK. We should recognise that immigration for the purposes of family unity is itself fundamental to creating safer, happier and healthier childhoods in the UK.

The forthcoming Immigration and Asylum Bill<sup>1</sup> aims to put into statute some of the proposed asylum and immigration reforms announced by the Home Secretary last year.<sup>2</sup>

**This briefing highlights the proposals which will have the most significant impact on children, young people and families seeking sanctuary in the UK and with experience of the immigration system.**



# 1. Article 8 Reforms: Codifying strict definitions of ‘family’ (parents/children only) (likely amending Part 5A of the 2002 Act<sup>3</sup>) to override judicial discretion currently protected by the Human Rights Act 1998.<sup>4</sup>

## Expected Proposal

The government will amend its interpretation of the definition of the right to respect for private and family life (under Article 8 of the European Convention on Human Rights) for decision-makers and the courts.<sup>5</sup>

## Impact on children and young people

- Restricting Family Reunion: The ‘Family Reunion’ pathway for refugees to reunite with family members through a safe and regular route is currently suspended.<sup>6</sup> For Unaccompanied Asylum-Seeking Children who are granted asylum, Article 8 is the principal route to seek reunion with parents and/or siblings. This would therefore limit children’s ability to grow up with their family around them.
- Increasing poverty, particularly for children in families who have had their appeals rights exhausted, would limit a future humanitarian or protection claim they may have to stay in the UK. Combined with other reforms to asylum support for destitute asylum seekers, this will likely mean more families in destitution or homelessness.
- Uprooting of children and families at short notice: Article 8 forms the basis on which children, young people and families regularise their immigration status, where removal would interfere with their established life in the UK.<sup>7</sup> This would mean more young people who have built a life in the UK are forced to leave, who would otherwise have a claim to stay.



## Barnardo’s recommendations

- The Government should create a safe and accessible family reunion route for refugee children, including children in care and care leavers, to sponsor families where this is in their best interests. This should avoid a rigid statutory definition of ‘family’ that is limited to parents and children.
- Any Article 8 reforms must include an explicit child safeguarding and best interests test, consistent with section 55, ‘best interests of the child’, and before any Article 8 reforms are introduced, the Government should publish its Child Rights Impact Assessment, Equality Impact Assessment and Safeguarding Assessment.



## 2. Granting the Home Office greater powers to determine the age of age-disputed children seeking sanctuary in the UK.

### Expected proposal

The Bill will 'strengthen age assessments to root out false claims by those claiming to be under 18 and better safeguard genuine children'.<sup>8</sup>

We expect the Bill to amend section 51 of the Nationality and Borders Act 2022, to make National Age Assessment Board (NAAB) assessments conducted under section 51<sup>9</sup> binding and require the relevant Local authorities/Health and Social Care Trusts to provide any assistance that the NAAB may reasonably require when conducting an age assessment.

### Impact on children and young people

We are very concerned that this gives the Government decision-making authority over age-disputed children. We believe that this would be better handled by social workers in local authorities in their role as a corporate parent, and in accordance with their statutory safeguarding responsibilities.

### What is an Age Assessment?

Age assessments are used to determine whether an individual claiming asylum is under or over the age of 18, a distinction that carries significant implications for the support and protections they receive. Unaccompanied asylum-seeking children are entitled to the same legal protections and care standards as any other child under the Children Act 1989. These duties reflect a clear legal and moral obligation to safeguard the well-being of all children, regardless of immigration or asylum status.<sup>10</sup>



### Barnardo's recommendations

- **Abolish the National Age Assessment Board, and instead, ensure age assessments are carried out by skilled social workers whose practice is trauma-informed and child-centred, rooted in child protection, known as Merton-compliant assessments.**<sup>11</sup>

### NOUR'S\* STORY

**Nour's\* story** Nour, a child receiving support from Barnardo's, first presented to the Home Office's Kent Intake Unit. She told us that there were no issues raised about her age when she was assessed by the Border Force staff.

She was placed in the care of a local authority, where a trained social worker accepted Nour's age as originally stated by her.

However, the Home Office's National Age Assessment Board later contacted the local authority to inform them that there was a dispute regarding Nour's age, which they stated had not been previously communicated at the border due to a clerical error.

Despite having already been assessed by a social worker under the care of the local authority, the National Age Assessment Board proceeded with an additional assessment, which Nour found difficult and re-traumatising.

She told us the process of reassessment and disbelief was significant. She was negatively affected and suffered a damaging loss of trust in authorities and a deterioration of her emotional health, and this negatively impacted her trust in other supporting professionals.

### 3. Child Exploitation and Trafficking (Modern Slavery) reforms.

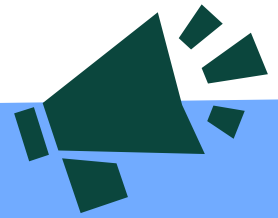
#### Expected proposal

We expect the Bill to propose restricting access to the National Referral Mechanism – the system designed to identify victims of modern slavery, including child exploitation and trafficking, for people, including children, deemed to fall within ‘public order’ categories.<sup>12</sup> It will also seek to narrow the UK’s interpretation of its obligations under the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT).<sup>13</sup>

The government has said it will ‘clarify’ obligations around its obligations around the identification and support of victims of modern slavery and address perceived misuse, in tandem with the Home Office’s ongoing review of the National Referral Mechanism (NRM), the system used to identify and support potential victims of modern slavery.<sup>14</sup> This includes children and young people who have been trafficked or exploited within, or to, the UK.

#### Impact on children and young people

Any change in the interpretation of ECAT would narrow the working definitions of exploitation and trafficking, which would mean fewer children in need being identified and supported. Children who are compelled to commit offences as a result of their exploitation may be unable to access support if these fall within ‘public order’ categories.



#### Barnardo’s recommendations

- Any legislative changes to the interpretation of ECAT should be based around strengthening early identification, safeguarding and support, and not narrow access to protection for children and young people who have been exploited.
- Support for victims should never be approached through a lens of immigration, and the principle that children cannot consent to their exploitation should be paramount.





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# About Barnardo's

At Barnardo's, our purpose is clear – changing childhoods and changing lives, so that children, young people, and families are safe, happy, healthy, and hopeful. Last year, we provided essential support to over 350,000 children, young people, parents and carers through more than 650 services and partnerships across the UK. For over 150 years, we've been here for the children and young people who need us most – bringing love, care and hope into their lives and giving them a place where they feel they belong.

Barnardo's has a long history of helping children, young people and their families seeking sanctuary in the UK.

We offer a wide range of specialist services, including specialist foster care for unaccompanied asylum-seeking children, supported accommodations, trauma-informed support, specialist refugee support services, and delivering the Independent Child Trafficking Guardianship Service (ICTG) in Wales and parts of England, and the Independent Guardian Service (IGS) in Northern Ireland.

**Barnardo's is a member of the Refugee Migrant Children's Consortium (RMCC) and a national partner of Refugee Week UK.**

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