

Universal Periodic Review: UK 4th Cycle Immigration

Suggested questions for the UK:

- Could the UK Government explain how its new plans for age assessments are compliant with its obligations under the CRC and how it will ensure that children are not wrongly sent to Rwanda?
- Could the UK Government explain how its policy not to allow child refugees the same right to reunion with close family as their adult counterparts is compliant with its obligations under the CRC and ECHR?
- What steps is the UK Government taking to ensure more children do not end up undocumented as a result of Brexit and protect them from falling into extreme poverty?
- Could the UK Government explain why it has still not rolled out the Independent Child Trafficking Advocates scheme across the UK, despite a commitment to do so in the Modern Slavery Act 2015 and why it will not extend this to all separated migrant children?
- Could the UK Government outline a clear timetable for ending the use of 'contingency accommodation' and provide a detailed plan outlining how it intends to ensure the rights of asylum-seeking children to access health, education and other services are fulfilled without impediment?

Suggested recommendations for the UK:

- The UK Government should ensure sufficient safeguards are built into the age dispute process to ensure that no-one claiming to be a child is erroneously treated as an adult.
- Child refugees in the UK must have the right to sponsor their close family to join them in the UK.
- The UK should ensure that no more children end up undocumented as a result of Brexit and raise the levels of support given to undocumented families in line with States' obligations under the CRC.
- UK and devolved governments should put in place a consistent system of national, legal, independent guardianship for all separated migrant children and ensure all child victims of trafficking and exploitation are not criminalised but treated as victims and receive appropriate support.
- The UK Government should cease the practice of using 'contingency accommodation' and ensure there are no barriers to accessing health, education and other services to which children are entitled to, regardless of their status.

Immigration law and policy breaches children's rights

Severe regression in relation to recommendations 134.190, 134.213, 134.221. The UK has significantly regressed in regards to the rights of children in the immigration system due to the introduction of a number of extremely concerning policies and laws since 2017. It continues to ignore the best interests of refugee children (article 3 of the CRC) and prioritise immigration control over children's welfare.

The UNHCR has stated the Nationality, Asylum and Borders Act (NABA) which passed in April 2022 undermines the 1951 Refugee Convention.¹ The UK Government refused to exempt children and has not conducted a child rights impact assessment.² The Welsh and Scottish Parliaments voted to withhold consent for the Act at Bill stage. The Welsh Government called for amendments to ensure that several clauses within legislative competence, which include age assessments of unaccompanied children, did not apply in Wales.³

[Lack of protection for unaccompanied children seeking asylum and use of contingency accommodation](#)

There has been a significant increase in the number of individuals seeking asylum in the UK being accommodated in hotels.⁴ Children and families are being accommodated for many months (in some cases for as long as ten months) despite UK Government policy stating a maximum of six weeks. In England, Kent County Council refuses to accommodate all of the children arriving in Dover and as a result as many as 1,606 are being supported in hotels outside of the usual framework for lone children, denying those affected the rights associated with the care system in England. Some have gone missing.⁵ Significant concerns have been raised about the living conditions experienced: lack of financial assistance; basic quality and standards; safeguarding; the role of third party providers; barriers to accessing basic services to which children, regardless of their status, are entitled.^{6,7} Unaccompanied children also face significant delays in the processing of their asylum claims.⁸

[Regression of the right to family reunion for children](#)

The UK asylum system has recognised an increasing proportion of claimants as refugees; e.g. in 2021, 85% of decisions made on unaccompanied child claims were recognised as a refugee.⁹ However these children remain unable to realise their right to family life as they continue to be ineligible for the Refugee Family Reunion Policy relating to adults. Legislation in the NABA will also severely restrict family reunion for most people in the UK, including children by removing one of the main legal safe routes for asylum seeking children and leaving them more likely to take dangerous journeys.¹⁰

[Concerns around new age assessments process and risk of removal to Rwanda](#)

A large number of unaccompanied children are still misidentified as adults and spend time unsupervised in inappropriate accommodation before being correctly cared for by local authorities.¹¹ We are very concerned by the UK Government's policy for new scientific age assessments which also enables the UK Government to press councils to have children in their care assessed and refer their decisions for review by a new national

¹ UNHCR (no date). [UK Migration and Economic Development Partnership with Rwanda](#).

² The Nationality and Borders Act 2022 categorises refugees as either Group 1 or Group 2. Refugees who travel to the UK through third countries via irregular routes (like crossing the Channel in a small boat) will be given a new form of temporary protection with limited rights to welfare benefits and family reunion, and will have their status reassessed after 30 months. This creates a two tier system where some refugees will have more rights than others, purely based on how they entered the UK. Refugee Council (April 2022). [What is the National and Borders Bill?](#)

³ Welsh Government (2022). [Letter to Kevin Foster MP](#).

⁴ The Detail (2022). [Major rise in hotel use for asylum-seekers](#) and Refugee Council (no date). [Lives on Hold](#).

⁵ ECPAT (2022) [Outside the Frame: Unaccompanied children denied care and protection](#)

⁶ Joint Submission to the FCNM Advisory Committee (April 2022): [Rights of Asylum Seeker Children Living in Contingency Accommodation \(Hotel Buildings\) in NI, run by Mears Group PLC](#)

⁷ Home Secretary [evidence to HASC February](#) (page 23)

⁸ Independent Chief Inspector of Borders and Immigration, [An inspection of asylum casework](#)

⁹ Home Office (2021) [Immigration Statistics](#)

¹⁰ This legislation limits refugee family reunion for refugees who arrived in the UK after passing through a third country. Refugee family reunion visas have been the main safe route to the UK as the number of people has been higher than those arriving in the UK under resettlement schemes, making it the most utilised existing safe and legal route and the only route for the purposes of family members to be reunited. See: Refugee Council (2022) [Press release](#).

¹¹ Age disputes increased by 195% in 2021. Refugee Council (2022) [Children in the Asylum System February 2022](#)

body, undermining the expertise of social workers.¹² Charities have criticised these plans which are not supported by the scientific community, warning they will create a culture of disbelief and risk traumatising more children who are misidentified as adults. Between 2016-2021 there were 6,177 cases where age was disputed and subsequently resolved – in over half of these cases (52%) the individuals were found to be children anyway.¹³

We also have serious concerns that, under the UK Government's new plans to permanently remove some asylum seekers to Rwanda, age disputed children incorrectly assessed as adults will be caught up in the policy.¹⁴

Lack of protection for undocumented children in the immigration system

The so-called 'hostile environment' for undocumented migrants implemented under the Immigration Acts 2014 and 2016 substantially remains. Research estimates that the number of undocumented children could be 215,000¹⁵ but there are many hurdles to securing status: the cost of citizenship and application fees, lack of legal aid, and once granted status, a five-year route to permanent status for some children.

Undocumented children remain subject to policies like limiting their families' access to work and social security assistance leaving many in extreme poverty.¹⁶ The only available support is from local government under child safeguarding provisions which is very limited. Since Brexit, there have been concerns that more families and children will end up undocumented.¹⁷

Child trafficking

Some progress on recommendations 134.138 and 134.146. The Independent Child Trafficking Guardians service has expanded and is now available in Wales, Northern Ireland and two thirds of local authority areas in England, but isn't available to all trafficked children¹⁸ or all separated migrant children despite repeated calls from human rights bodies.¹⁹ In Scotland, unaccompanied children can access support from the Scottish Guardianship Service (SGS). This includes age disputed young people until they have exhausted all legal remedies to being recognised as a child. In 2015, the Scottish Parliament passed legislation that will place the service on a statutory footing, however the relevant provision is not yet in force.²⁰ Commencement of the statutory service is expected in 2023.

The National Referral Mechanism for trafficked children is weak and fails to embed identification and safeguarding into existing child protection processes and measures in the NABA will reduce identification and protection for child victims of exploitation.²¹

¹² The legislation will also enable the Home Secretary to make regulations specifying scientific methods that can be used for age assessments, including x-rays or analysis of saliva or other bodily samples. These will only be permissible with the consent of the person being assessed, or someone able to consent on their behalf. However, the legislation allows officials to take a refusal to give consent as damaging the person's credibility. See: Community Care (2022) [Age assessment overhaul to go ahead.](#)

¹³ This number is probably far higher but statistics are not available to show how many decisions that a child was over 18 were later overturned, following advocacy and/or fact finding reviews by judges. Figures taken from Home Office data for 2019, 2020 and the first 3 quarters of 2021.

¹⁴ Refugee and Migrant Children's Consortium (July 2022) ['Briefing on Government plans to send people seeking asylum to Rwanda'](#)

¹⁵ University of Wolverhampton (2020) [London's children and young people who are not British citizens: A profile](#)

¹⁶ The Children's Society, *A Lifeline for All: Children and Families with No Recourse to Public Funds*

¹⁷ Coram Children's Legal Centre (2020) [Children left out? Securing children's rights to stay in the UK beyond Brexit](#)

¹⁸ Home Office (2021) [Interim Guidance for Independent Child Trafficking Guardians](#)

¹⁹ UN Committee on the Rights of the Child (2008) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland and UN Committee on the Rights of the Child (2016) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland

²⁰ Section 11. Human Trafficking and Exploitation (Scotland) Act 2015.

²¹ ECPAT (April 2022) [Press Release.](#)

Recommendations referenced from the UK's UPR 2017 (3rd cycle)

134.190	Reviewing the laws on immigration in Britain in order to comply with the Convention on the Rights of the Child	Syrian Arab Republic: A/HRC/36/9/Add.1 - Para. 3	Noted
134.213	Review the 2016 Immigration Act in order to ensure its compatibility with the Convention on the Rights of the Child	Honduras: A/HRC/36/9/Add.1 - Para. 3	Noted
134.221	Improve on the United Kingdom's Immigration Act 2016 dealing with refugees to be compatible with United Nations Human Rights Conventions, particularly the Convention on the Rights of the Child	Indonesia: A/HRC/36/9/Add.1 - Para. 3	Noted
134.138	Adopt a comprehensive national framework to prevent trafficking in women and girls, and allow victims of trafficking to access a fair trial	Islamic Republic of Iran: A/HRC/36/9/Add.1 - Para. 3	Supported
134.146	Continue strengthening the positive measures taken to combat the crime of trafficking in persons and particularly those measures concerning the protection of child victims	Bahrain: A/HRC/36/9/Add.1 - Para. 3	Supported

About us

Children's Rights Alliance for England (CRAE)

CRAE works with around 100 members to promote children's rights and monitor government implementation of the CRC in England. See: www.crae.org.uk Contact: lking@crae.org.uk

Together (Scottish Alliance for Children's Rights)

Together is an alliance of almost 500 NGO and individual members that works to improve the awareness, understanding and implementation of the CRC in Scotland. See: www.togetherscotland.org.uk Contact: juliet@togetherscotland.org.uk

Wales UNCRC Monitoring Group

The Wales UNCRC Monitoring Group is a national alliance of non-governmental and academic agencies tasked with monitoring and promoting the CRC in Wales. It is currently facilitated by Children in Wales, the national umbrella organisation. See: www.childreninwales.org.uk Contact: sean.oneill@childreninwales.org.uk

Children's Law Centre

The Children's Law Centre is a registered charity and specialist children's human rights centre in Northern Ireland, founded on the principles enshrined in the CRC. See: www.childrenslawcentre.org.uk Contact: fergalmcferran@childrenslawcentre.org