

Children and Young People on the Margins

Response to Senedd Inquiry

Submitted by the Bevan Foundation to the Children, Young People and Education Committee in response to their inquiry into children and young people on the margins, which in summary relates to missing children and those vulnerable to criminal exploitation.

1. Unaccompanied Children

1.1 Unaccompanied Children and the risk of exploitation

The Bevan Foundation wishes to highlight the potential impact of the Illegal Migration Act on the likelihood of Unaccompanied Children going missing from care. Urgent action is needed to ensure that local authorities are prepared for the implementation of provisions with the Act that will drastically affect outcomes for Unaccompanied Children. Children's safety and wellbeing must be protected.

The Bevan Foundation has produced a briefing jointly with Children's Legal Centre Wales, The Children's Society, and the British Red Cross, which sets out the benefits and key elements of a Guardianship Scheme for Unaccompanied Children¹. According to responses to Freedom of Information requests, 591 Unaccompanied Children are looked after or supported by local authorities in Wales.

Unaccompanied children are at heightened risk of abduction, trafficking, and exploitation. The UK Government describes "insecure immigration status – for example, unaccompanied asylum-seeking children and refugees" as one of the key risk factors that heighten a person's vulnerability to criminal (including 'county lines') exploitation.² Social and cultural isolation, lack of a stable home environment, trauma, adverse childhood experiences, lack of economic stability, insecure accommodation, poor emotional wellbeing, and being in or leaving care, are all potential causes of vulnerability to exploitation and issues that commonly affect Unaccompanied Children.

1.2 The Illegal Migration Act

The Illegal Migration Act makes inadmissible any claim for asylum made by a person (regardless of age) who arrives in the UK without documentation allowing them to do so, who does not arrive directly from the country they were fleeing, and who does not have documentation allowing them to stay. These conditions apply to most Unaccompanied Children. Currently, the provision applies to anyone arriving in the UK on or after July 2023, but this may be amended by regulation. The Secretary of State has the duty to remove anyone meeting these conditions, but this duty is not currently applied to Unaccompanied Children until they turn 18. However, there is concern that removals of children under 18 may increase under existing powers of removal, especially in relation to particular groups, eg. Albanian nationals³.

This situation places enormous emotional pressure on Unaccompanied Children as they approach adulthood. Along with the pending power to remove Unaccompanied Children from local authority care and place them in home office accommodation (not yet in force), the Illegal Migration Act sends

a message to Unaccompanied Children that they are unwelcome in the UK and that they will be detained and removed after their 18th birthday. From an Unaccompanied Child's perspective, the future looks bleak.

There is a major risk that the above provision will increase the likelihood of Unaccompanied Children going missing from care, either voluntarily because they are fleeing from pending deportation, or as a result of criminal exploitation, to which the Act makes them much more vulnerable by undermining their emotional security and their future lives. Without a secure future and faced by the likelihood of detention and removal, the vulnerability to exploitation of Unaccompanied Children in care – and generally of children within asylum seeking families or with insecure status – is greatly increased.

1.3 Preparedness of local authorities

The Bevan Foundation's interactions with local authorities during recent research into local authority support for people with No Recourse to Public Funds raises concerns about a lack of strategic response from local authorities to migration issues and a low level of understanding and knowledge amongst local authority staff⁴. Things brings into question the ability of local authorities to adequately protect and advocate for children in their care in the face of changing legislation.

1.4 Scarcity of immigration legal advice

At the same time, the provision of immigration legal advice is scarcer than ever, with many asylum seekers reporting that they cannot access any legal advice. The number of legal aid offices offering representation for immigration and asylum cases in Wales has halved (from 12 to 6) since September 2021. Two legal aid firms have been removed from the Legal Aid Directory of Providers in 2024.

1.5 The need for a Guardianship Scheme

It is vital that Welsh Government works with local authorities to increase awareness of and preparation for the implementation of Illegal Migration Act clauses that impact on Unaccompanied Children. Establishing a Guardianship Scheme for all Unaccompanied Children would be an important step in introducing essential continuity, support, and guidance for Unaccompanied Children and would help to protect them from trafficking and exploitation.

2. Children affected by No Recourse to Public Funds

2.1 Financial exclusion

Ensuring that financial support is available for children affected by No Recourse to Public Funds (NRPF), including entitlement to Free School Meals, the Schools Essential Grant, and devolved benefits such as the Emergency Assistance Element of the DAF, will add to the household budgets of families excluded from much of the welfare system, and reduce the burden of responsibility that can fall on children in financially insecure households.

Prevention of destitution and responses to deep poverty among migrants on temporary visas are also vital. Proactive responses from local authorities and other public services, a clear understanding of law and policy, fair assessments, and the full and fair provision of support that falls within statutory duties, all help to prevent marginalisation. Clear and well thought-out NRPF pathways can help local authorities and other agencies to support families to move on from destitution.

28th March 2024

¹ *A Guardianship Service for all Unaccompanied Children in Wales*, a research briefing, The Children's Society, Bevan Foundation, Children's Legal Centre Wales, British Red Cross, March 2024

² *Criminal exploitation of children and adults: county lines*, Home Office, 2023, <https://www.gov.uk/government/publications/criminal-exploitation-of-children-and-vulnerable-adults-county-lines/criminal-exploitation-of-children-and-vulnerable-adults-county-lines#who-is-vulnerable-to-county-lines-exploitation>

³ *Refugee and Migrant Children's Consortium Briefing, Illegal Migration Act*, October 2023 <https://www.childrenslegalcentre.com/wp-content/uploads/2023/12/Illegal-Migration-Act-2023-Conference-Briefing.pdf>

⁴ *What Am I Supposed to Do? Living with no recourse to public funds in the Nation of Sanctuary*, Bevan Foundation, February 2024, <https://www.bevanfoundation.org/wp-content/uploads/2024/02/Living-with-NRPF-in-the-Nation-of-Sanctuary-FINAL-REPORT-1.pdf>