



## Universal Periodic Review: UK 3<sup>rd</sup> Cycle Immigration, Asylum and Trafficking

### Suggested Questions for the UK:

- What steps is the UK taking to ensure that it fulfils its commitment to end the detention of asylum seeking and migrant children?
- Can the UK and devolved governments outline what plans are in place to develop a multi-agency approach to age assessments?
- Will the UK reinstate its scheme to relocate separated children in Europe to the UK? What steps will the UK take to ensure that children recognised as refugees in the UK can be reunited with their family members?
- Could the UK explain why it has still not rolled out the Independent Child Trafficking Advocates scheme despite a commitment to do so in the Modern Slavery Act 2015 and why it will not extend this to all separated migrant children?

### Suggested Recommendations:

- The detention of asylum seeking and migrant children should end.
- Age assessments should only be conducted in cases of serious doubt and through multi-disciplinary and specialist procedures that avoids the use of intrusive measures such as x-rays or dental exams. They should not be based solely on visual appearance or demeanour.
- The scheme to relocate separated children in Europe to the UK should be reinstated. Guidance should be issued to make clear how implementation of the Dublin III regulation works for separated children. The Immigration Rules for unaccompanied children should be reviewed and amended so that they are in line with adults granted refugee status or humanitarian protection and children can be reunited with family members in the UK.
- The UK should roll out a national system of Independent Legal Child Trafficking Advocates without delay and extend this to all separated migrant children.

### Background

**Despite meeting recommendation 110.7 in 2008 and withdrawing its reservations to the CRC concerning detained and asylum seeking children**, the UK continues to ignore the best interests of refugee children (article 3 of the UNCRC) and prioritise immigration control over children's welfare.

#### *Child detention (recommendations 110.113, 110.114, 110.115)*

**Some progress on recommendations 110.113 and 110.114.** Despite announcing that it will end the detention of children for immigration purposes in 2010, 128 children were detained in 2015.<sup>1</sup> In a backwards step, the UK Government recently announced the closure of Cedars, the Specialist Family Detention Unit and will detain children in new family unit at Tinsley House Immigration Removal Centre. It is particularly concerning that this will now be run by security company G4S who have been criticised for providing 'disgraceful' standards of asylum accommodation and the children's charity Barnardo's will no longer provide welfare support.<sup>2</sup>

### *Age disputes*

Separated children are regularly disbelieved about their age (there has been a 148% increase in 2015) leaving them facing harmful protracted age disputes.<sup>3</sup> If a child is wrongly considered to be an adult, they will not be supported by children's services and may be detained or accommodated with adults.<sup>4</sup> The Home Office's 'Assessing Age' policy allows for individuals claiming to be children to be treated as adults if their appearance/demeanour 'strongly suggests they look significantly over 18' despite Department for Education statutory guidance which states that 'children should only have an age assessment carried out where there is a "significant" reason to doubt the individual is a child.'<sup>5</sup> This is extremely problematic given the inherent difficulties in judging age based on appearance.

### *The refugee crisis*

The UK Government has been condemned for its inadequate response to support separated refugee children across Europe.<sup>67</sup> Its scheme to relocate separated children living in camps in Europe has closed prematurely; removing safe and legal routes for hundreds of children to travel to the UK and instead leaving them vulnerable to sexual violence, exploitation and trafficking.<sup>89</sup> The Dublin III Regulation entitles separated children to be reunited with their family elsewhere in Europe, including in the UK but this mechanism is not functioning or being used effectively.<sup>1011</sup>

### *Family reunification*

Separated children in the UK face restrictions on family reunification. The UK, unlike almost every other country in the EU, does not allow children with refugee status to sponsor their parents or siblings to join them. This is despite the fact they have been through an asylum determination process and have been found to be in need of international protection. The Government has introduced discretion following positive decisions from the courts,<sup>12</sup> but does not routinely allow reunion.

### *Guardianship for separated and trafficked children (recommendations 110.72, 110.74, 110.75 and 110.76)*

**Recommendations 110.72, 110.74, 110.75 and 110.76 have been partially met.** The UK and Welsh Government continue to refuse to introduce a system of independent guardians for all separated children in England and Wales in order to ensure that all potential trafficking victims are protected despite repeated calls from the UN Committee on the Rights of the Child.<sup>13</sup> The English and Welsh Governments have not rolled out their scheme of Independent Child Trafficking Advocates committed to in the Modern Slavery Act 2015.

### **Recommendations referenced from the UK's UPR 2012 (2nd Cycle)**

110.113	Adopt necessary measures to avoid criminalization of irregular migration, de-facto indefinite detention without the provision of all legal safeguards for undocumented migrants and asylum seekers	Ecuador: A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 17	Supported/Noted
110.114	In line with the British Government commitment to the universality of human rights, prohibit the indefinite detention of migrants, seek alternatives to their detention and ensure that such detention is for the shortest possible duration	Mexico: A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 17	Supported/Noted
110.115	Take necessary measures to avoid any use of detention of asylum seekers during the process of determining their refugee status	Argentina: A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 18	Noted
110.72	Increase efforts to combat trafficking in persons, particularly to protect women and children	Spain: A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 16	Supported

110.74	Implement the EU Directive on trafficking in human beings by April 2013 and sign the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence	Australia: A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 16	Supported
110.75	Standardize anti-trafficking responses across the UK insofar as possible given the devolution of law enforcement powers, and appoint a rapporteur in each devolved authority to make critical assessments and improve the UK's overall anti-trafficking response	United States of America: A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 17	Supported/No ted
110.76	Take all measures to ensure that all trafficked people are able to access the support and services they are entitled to, including free legal aid and access to their right to compensation	Greece: A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 17	Supported/No ted

## About us

### Children's Rights Alliance for England (CRAE)

CRAE works with over 150 organisational and individual members to promote and campaign to protect children's rights and the UNCRC in England. See: [www.crae.org.uk](http://www.crae.org.uk)

### Together (Scottish Alliance for Children's Rights)

Together is an alliance of over 340 NGO and individual members that works to improve the awareness, understanding and implementation of the UNCRC in Scotland. See: [www.togetherscotland.org.uk](http://www.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 UNCRC in Wales. It is currently facilitated by Children in Wales, the national umbrella organisation. See: [www.childreninwales.org.uk](http://www.childreninwales.org.uk)

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<sup>1</sup> Home Office (October to December 2015) *Detention Data Tables*

<sup>2</sup> Home Affairs Select Committee (2017) *Asylum Accommodation Twelfth Report of Session 2016–17*

<sup>3</sup> Refugee Council (August 2016) *Children in the asylum system statistics*

<sup>4</sup> House of Lords EU Home Affairs Sub Committee (2016) *Children in Crisis: Unaccompanied Migrant Children in the EU*

<sup>5</sup> Department for Education (2014) *Statutory Guidance: Care of unaccompanied and trafficked children*

<sup>6</sup> "Robust plans" called for to resettle Calais migrant children' (13 October 2016) BBC News

<sup>7</sup> UN Committee on the Rights of the Child (2 November 2016) 'Calais camp: French and UK Governments fell well short of their child rights obligation'

<sup>8</sup> 'Dubs amendment: End of child migrant scheme "shameful"' (9 February 2017) BBC News

<sup>9</sup> Home Affairs Select Committee (2017) *Unaccompanied child migrants Thirteenth Report of Session 2016–17*

<sup>10</sup> Unicef UK (2016) *Family reunion in the UK for children across Europe: Making Dublin work for children*

<sup>11</sup> House of Lords EU Committee (2016) *Children in crisis: unaccompanied migrant children in the EU 2nd Report of Session 2016–17*

<sup>12</sup> AT and another (Article 8 ECHR – Child Refugee – Family Reunification: Eritrea) [2016] UKUT 227 (IAC)

<sup>13</sup> UN Committee on the Rights of the Child (2008 and 2016) *Concluding Observations on the United Kingdom of Great Britain and Northern Ireland and UN Committee on the Rights of the Child*