

# Immigration Bill

## Report Stage, House of Lords

15 and 21 March 2016



### Key messages

- Councils have an important role in protecting families, children and vulnerable adults who are seeking asylum. We are working to ensure local authorities are able to deliver their duties, keep children safe and prevent families from becoming homeless. The LGA remains concerned that Clauses 62/63 and Schedule 11 of the Immigration Bill could result in:
  - Failed asylum seekers choosing not to engage in services.
  - Large numbers of referrals of families resulting in increased assessment costs, and potentially then receiving a long period of support from local authorities.
- Clause 64 provides important clarity on the transfer of responsibility for caring for an unaccompanied migrant child from one council area to another. The LGA supports amendments 126 and 127 led by Lord Bates. These seek to extend the proposed process for transferring legal responsibility for unaccompanied asylum seeking children between local authorities to apply equally to unaccompanied children who already have leave to enter or remain in the UK.
- However we are concerned that Clause 67 seeks to confer powers for the Secretary of State to compel local authorities to take responsibility for unaccompanied minors who arrive elsewhere in the UK, with no clarity on how their support needs will be funded. If powers to direct local authorities to take legal responsibility for additional children and young people are to be enacted, they must be recognised as a new burden and funded accordingly. No council should be made to choose between supporting unaccompanied asylum seeking or refugee children and providing vital services for their local community.
- Councils have a strong track record of supporting vulnerable children, including unaccompanied asylum seeking and refugee children, and stand ready to provide care and support to those who need it. Nevertheless, an additional 3,000 unaccompanied children would more than double the number of unaccompanied asylum seeking children in local authority care in England at March 2015, and represents an increase in the total population of looked after children which would usually take more than three years. Any increased resettlement programme as set out by amendment 115 (Lord Dubs, Lord Alton of Liverpool, Lord Roberts of Llandundo and Baroness Sheehan) should be planned in full partnership with councils across the country to ensure that services are able to cope with this additional demand and be part of a properly funded national system.
- We are keen the Home Office maintains engagement with local authorities when drafting regulations and guidance to implement those aspects that affect councils. This will help ensure absolute clarity on how the new responsibilities should be interpreted and how local authority practice should change, particularly to reduce the risk of expensive litigation and to ensure consistency in support.

# Briefing

For more information, please contact:  
Lee Bruce, Public Affairs Manager  
[Lee.Bruce@local.gov.uk](mailto:Lee.Bruce@local.gov.uk) / 0207 664 3097

## **Amendment statements**

### **Lord Bates, Clause 64 amendments 126 and 127**

The LGA supports amendments 126 and 127 being led by Lord Bates. These seek to extend the proposed process for transferring legal responsibility for unaccompanied asylum seeking children between local authorities to apply equally to unaccompanied children who already have leave to enter or remain in the UK. This is a sensible provision, which will allow refugee children to be supported by the local authority that is best placed to meet their needs. It is particularly important in light of ongoing discussions around the potential to support a large number of additional refugee children in the UK, which we address in more detail below.

#### *Clause 67, Scheme for transfer of responsibility for relevant children*

However, we remain concerned that Clause 67 seeks to confer powers for the Secretary of State to compel local authorities to accept the transfer of unaccompanied children from other areas, with no clarity as to how their long-term support needs will be funded. If powers to direct local authorities to take legal responsibility for additional children and young people are to be enacted, they must be recognised as a new burden and fully funded to ensure that services are available to meet the needs of these children. No council should be made to choose between supporting unaccompanied asylum seeking or refugee children and providing vital services for their local community.

### **Lord Dubs, Lord Alton of Liverpool, Lord Roberts of Llandundo and Baroness Sheehan, Clause 62, amendment 115**

Councils have a strong track record of supporting vulnerable children, including unaccompanied asylum seeking and refugee children, and stand ready to provide care and support to those who need it.

As of 31 March 2015, councils were looking after 2,630 unaccompanied asylum seeking children. This figure has already increased significantly following the pressures experienced over the summer of 2015, with Kent alone seeing their numbers increase from 365 unaccompanied asylum seeking children in March to over 1,000 by December. In 2015, councils in England were looking after 69,540 children who were unable to live with their birth parents, a figure that has increased by just under 2,500 over the past three years. In 2015, the Fostering Network estimated a shortfall of 8,000 foster carers to fully meet the needs of looked after children already in local authority care.

An additional 3,000 unaccompanied children would more than double the number of in local authority care in England at March 2015, and represent an increase in the total population of looked after children which would usually take more than three years.

The LGA has long argued that a properly funded national system is vital to ensure a robust response to current pressures. It is also vital that any increased resettlement programme is planned in full partnership with councils across the country to ensure that services are able to cope with this additional demand. For such a programme to be successful, the Government would need to include:

- Full co-operation with the UNHCR, to ensure that resettlement is in children's best interests and would not inadvertently hamper efforts towards family reunification.
- A national system to ensure that the burden is spread fairly between local authorities, with costs fully funded to ensure that no local authority is forced to choose between providing services for their local community and supporting unaccompanied refugee children.

- A phased approach to ensure that sufficient care placements are available to meet the specific needs of these children and young people, and additional resources made available to allow councils to boost their existing provision.
- Consultation with councils to ensure there is sufficient capacity and funding to support vulnerable children and families already part of existing schemes for resettling refugees and asylum seeking children, identifying and sharing good practice.

## **Further information**

### **Annex – full text of the amendments commented upon in this paper**

The amendments commented upon in this briefing are copied below in full for ease of reference.

#### **Before Clause 62**

**LORD DUBS  
LORD ALTON OF LIVERPOOL  
LORD ROBERTS OF LLANDUDNO  
BARONESS SHEEHAN**

**115**

Insert the following new Clause—

#### **“Unaccompanied refugee children: relocation and support**

- (1) The Secretary of State must, as soon as possible after the passing of this Act, make arrangements to relocate to the United Kingdom and support 3,000 unaccompanied refugee children from other countries in Europe.
- (2) The relocation of children under subsection (1) shall be in addition to the resettlement of children under the Vulnerable Persons Relocation Scheme.”

#### **Clause 64**

**LORD BATES**

**126**

Page 57, line 3, leave out “or”

**127**

Page 57, line 8, at end insert “, or

- ( ) a person under the age of 18 who is unaccompanied and who—
  - (i) has leave to enter or remain in the United Kingdom, and
  - (ii) is a person of a kind specified in regulations made by the Secretary of State.”