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ADCS response to the Joint Committee on Human Rights call for evidence on the Illegal Migration Bill

The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the Children Act (2004). The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to provide evidence to the Joint Committee on Human Rights in relation to the Illegal Migration Bill.

The Association has significant concerns about the government's Illegal Migration Bill and the damaging effect it will have on vulnerable children who are fleeing desperate situations. Directors of Children's Services have a duty to safeguard all children in care and to ensure they receive the support that meets their needs. In its current form, the Bill runs counter to a number of the fundamental statutory responsibilities set out in the Children Act 1989, such as securing permanence and having consideration for children's wishes and feelings. Children in care who become care leavers at age 18 have automatic entitlements to support up to 25 years. The proposals in the Bill run directly counter to this and would contravene the rights of care leavers as laid out in domestic legislation, most recently the Children and Social Work Act 2017.

All children in this country, irrespective of where they were born, have the right to a safe and nurturing environment. Just last month the government outlined its plan to reform the children's social care system rooted in 'stable homes, built on love'. The provisions set out in this Bill largely contradict the government's own vision for children in care.

ADCS have real concerns about the unintended safeguarding risks the Bill creates for children and families, including the arrangements for vulnerable children who are detained with their family in Home Office accommodation. There is no detail as to how a local authority can fulfil their safeguarding functions to children detained in such accommodation and where there are significant safeguarding concerns, how duties under the Children Act 1989 would be enforced.

The proposals within the Bill create an incentive for children to run away before they turn 18 into the arms of exploiters and traffickers to avoid being returned to their home country. There will also be a significant increase in the already high levels of age disputes given the increased incentive for adults to claim to be children, leading to more adults being cared for within the children's system while they await age assessments.

If implemented, the Bill will irreversibly distort the care system; for children it will become a holding mechanism for the immigration system. When a child first comes into the care of a local authority, the primary focus must be to find them a permanent, stable home as set out in statute. The Bill distorts the concept of

permanency as it suggests that for those children who are not UK citizen, this fundamental principle, as set out in legislation, does not apply.

The UN Convention on the Rights of the Child states that in all actions concerning children, the best interests of the child shall be a primary consideration. The Bill does not meet this test. It takes a blanket approach to all who have arrived in this country via illegal routes. Automatic removal from the UK for any unaccompanied asylum seeking child is a clear contradiction to Article 3 of the UN Convention and does not accord with Article 12 which requires States Parties to ensure the views of the child are given due weight in all matters affecting the child.

Unaccompanied asylum seeking children are some of the most vulnerable children in the country, with many having experienced significant trauma in their home country and during their journey to the UK. Article 39 of the UN Convention on the Rights of the Child requires States Parties to take appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of neglect, exploitation, abuse, torture or any other form of cruel, inhumane or degrading treatment or punishment, or armed conflict. It is explicit that such recovery and reintegration should take place in an environment which fosters the health, self-respect and dignity of the child. This cannot be achieved for children in the context of the Illegal Migration Bill currently before the Committee.

The Association of Directors of Children's Services Ltd

Bloc, 17 Marble Street, Manchester, M2 3AW

0161 513 4299 | info@adcs.org.uk | www.adcs.org.uk | [@ADCStweets](https://twitter.com/ADCStweets)

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