

## What next for child refugees in Europe?

After 2015 saw the biggest movement of people since the Second World War, this year desperate people have continued to seek refuge in Europe. While one in ten arrivals last year was a child, and 90,000 unaccompanied children applied for asylum, in 2016 children have accounted for a quarter of the total.

Many of these children are escaping bullets and bombs, or recruitment into armed forces and rebel groups in their home countries. They have already travelled through great danger to get into Europe. Yet, in too many cases the challenges and dangers children face do not disappear once they reach Europe, and their rights continue to be violated; progress has been made but not enough has been done to protect these vulnerable children. If further safe and legal routes to the UK are not made available to children, they will continue to fall into the hands of smugglers and traffickers.

### **The UK Government has shown leadership this year.**

The end of the year offers an opportunity to reflect on all that the UK has done to help children who have been forced to flee from their homes and faced unimaginable danger, and the hundreds of children who have arrived in the UK.

Over the past 14 months, the UK has continued to be one of the most generous bilateral financial contributors to the humanitarian response to the Syrian crisis. In February the Government convened the London Syria Conference, which raised \$12 billion in pledges from donors across the world.

Alongside this financial commitment, we have seen the expansion of the Syrian Vulnerable Persons Resettlement Scheme, which will ensure that 20,000 Syrians will be brought directly to the UK from refugee camps and host communities in the Middle East by 2020. This sits alongside a further commitment to resettle a further 3,000 vulnerable children and their families from the Middle East and North Africa.

The passing of Lord Dubs' amendment to the Immigration Bill in May, which committed to resettle unaccompanied child refugees from France, Italy and Greece in the UK, was a very welcome recognition that we have a duty to protect children close to our shores too.

In recent months we have seen an estimated eight hundred children transferred from France to the UK. This compares to a tiny number in the first half of the year and none in 2015. The UK has listened to voices in Parliament, the public, within local authorities and across civil society, and shown that it can be proactive in identifying and processing children with a right to be in the UK.

**But while progress has been made in France, very little has as yet been achieved in Greece and Italy, with around 5 children thought to have been transferred to the UK from Greece and none from Italy by the end of November. Lessons must be learned and the UK must do more to help child refugees in Europe.**

While there is much more to do within the existing processes to help vulnerable children in Europe, there are changes that could ensure more children are given the chance to be brought to safety in the UK.



When introduced, the Dubs scheme understandably only applied to children who were in Europe before 20<sup>th</sup> March, to ensure that it did not encourage children not already in Europe to put their lives in danger by crossing the Mediterranean. This retrospective deadline could now safely be brought forward to a later date in the past without creating a ‘pull factor’, as **many of the children now at risk on the continent weren’t here in March**, but suffer the same unimaginable vulnerability as those who were. While nobody should be encouraged to risk their lives making the dangerous journey to Europe, we must be responsive to the fact that thousands of children have, they are in danger and the UK is in a position to help.

Furthermore, while the Government has stated that the Dubs amendment is a scheme with ‘a beginning and an end’, **there will always be children with family links to the UK who have a right to claim asylum here under the Dublin regulations**. While the Greek and Italian asylum systems remain overwhelmed, the UK must provide the support necessary to actively identify these children and bring them to the UK.

Adults resettled to the UK have a right of **family reunification**, giving their family members a right to asylum, but this does not apply to children. If family members of the unaccompanied children resettled to the UK are subsequently located, these children should have a right to reunite with their family in the UK. This presents the best possible way for them to settle successfully and safely in the UK; it is in nobody’s interest to keep vulnerable children separated from family members who can care for them – and the right to family unity is a fundamental principle of international human rights law. Similarly, the UK Immigration Rules could be amended to ensure that children at risk can join members of their extended family in the UK.

Resources should be provided for teams in Greece and Italy to identify children who may be eligible for Dubs or Dublin transfers to the UK, and the UK should make better use of the discretionary clauses of the Dublin Regulation in order to ensure that highly vulnerable children (some of whom may be separated from their immediate family but travelling with an extended family member) can be transferred to the UK.

The end of the year is a chance to celebrate all that the UK has done to help children who have been forced to flee from their homes and faced unimaginable danger, and the hundreds of children who have arrived in the UK. But we must also reflect on where we have failed, where the protection of children has not been prioritised, and where children are still in desperate need and are at risk of exploitation, disease and death. **Huge progress has been made, but there is much more to be done.**

## In France

The Home Office says that the main assessment of children from the Calais camp has been completed. The children were assessed for whether they had a right to come to the UK under the Dublin Regulation because of their family links or under the Dubs amendment. The published guidelines that the Home Office used to assess eligibility for Dubs transfers for the children from Calais were unnecessarily restrictive.

The new Dubs guidelines for children from Calais state that to be eligible for relocation to the UK under the Dubs amendment, a child must meet one of the following criteria:

- They are aged 12 or under
- They are referred directly by the French authorities, or by an organisation working on behalf of the French authorities, to the Home Office as being at high risk of sexual exploitation
- They are aged 15 or under and are Sudanese or Syrian (these nationalities have a first instance asylum grant rate in the UK of 75% or higher, based on the asylum statistics for the period from July 2015 to June 2016)
- They are aged under 18 and are the accompanying sibling of a child meeting one of the three criteria outlined above

A child is anyone under the age of 18. By creating a cut-off at a younger age, and by restricting eligibility very narrowly by nationality, these guidelines run counter to the UN Convention on the Rights of the Child and the Refugee Convention. There is also no reliable way of determining a child's age in this way, and age assessment should only take place where there is significant doubt about whether an individual is a child.

Equally, while restrictions based upon nationality may be intended to avoid an unsuccessful asylum claim, a child from a country not on the list may have a well-founded fear of persecution in their country due to their individual circumstances. Instead of restricting the list of eligible nationalities an initial protection screening should be used to identify children with a potential right to international protection.

While the guidelines' focus on risk of sexual exploitation is welcome, it is disappointing that this does not look more widely at the risks children on the move face. A [recent report from Unicef](#) found that child refugees across France were at risk of trafficking, violence and forced labour. Given the primacy of the modern slavery agenda it is surprising that the criteria do not take these risks into account.

More broadly, the Dubs amendment was accepted in the spirit of helping the most vulnerable children caught up in this crisis across Europe. Any criteria should be based on prioritisation, not exclusion, and **vulnerability and best interests should be the key factors in determining eligibility, not age and nationality.**

### Recommendations for the UK in France

- Revise the criteria for prioritisation to reflect the best interests of children.
- Inform children about the process – a lack of information is likely to result in children fleeing, and becoming vulnerable to exploitation.
- Ensure that new arrivals in France with a legal right to reach safety in the UK are able to do so.

## In Greece

There are an estimated 2,300 unaccompanied children in Greece, who now face winter alone. The number of places available in children's shelters is nowhere near sufficient and nearly half (1,100) of the identified unaccompanied children are on a waiting list for a place. Many children, including unaccompanied children and children with disabilities, are currently living in squalid, crowded conditions on the Greek islands and in camps on the mainland. With temperatures dropping, they are forced to live in unheated tents, and use dirty toilet facilities, exposing them to increased risks of disease.

Working with the Greek authorities and NGOs, the Home Office has begun to identify children for whom it is in their best interests to relocate to the UK. This is a welcome development, but now this process needs to be systematically extended beyond the children's shelters.

The UK can do more to fund and work with local and national organisations and government structures in Greece to ensure that all vulnerable children are assessed. At the same time, it must ensure transfer schemes are understood and operate effectively. The discretionary clauses of the Dublin Regulation could be used to ensure that highly vulnerable children are transferred to the UK, while restrictive criteria for Dubs must be revised to emphasise vulnerability as the critical factor for prioritisation.

There is also a need to clarify the "end date" of the Dubs scheme in Greece, which we understand may be as soon as the end of 2016. If Dubs was to "end" having achieved single figure transfers from one of the key countries, it will have clearly failed. When introduced, the Dubs scheme only applied to children who were in Europe before 20 March 2016. Clearly, given the failure to transfer enough children, this should now be reconsidered and more practical criteria for its application introduced.

### **Recommendations for the UK in Greece**

- Establish and resource a system for referrals, with an outreach team, so that the Greek authorities, UN agencies and NGOs can identify and pass on cases of unaccompanied children who are Dubs or Dublin-eligible.
- Given the failure to use the Dubs scheme to bring over any considerable numbers of children, review the historic cut-off date of 20 March on the basis that many of the children now at risk on the continent were not in Greece in March, but suffer the same vulnerabilities and risks as those who were.
- Make better use of the discretionary clauses of the Dublin Regulation in order to ensure that highly vulnerable children (some of whom may be separated from their immediate family but travelling with an extended family member) can be transferred to the UK.

## In Italy

There have been more arrivals of unaccompanied children in Italy this year than ever previously recorded, and in the first 11 months of 2016, 88% of children who arrived in Italy were unaccompanied. In spite of this, no children have been transferred to the UK, under either Dublin or Dubs. This is a worrying situation, particularly given the acute vulnerability of children who are trafficked through this route. Many children have moved on from Italy due to the lack of a process, travelling through Italy to France and risking the creation of new camps similar to that of Calais.

[A new report from Save the Children](#) has shed light on the extent to which unaccompanied children are being forced into prostitution and child labour in Italy. The report has found that girls as young as 13 are being tricked into believing they will secure jobs like babysitting, waitressing or hairdressing – sometimes by their own teachers and boyfriends – but are then forced into prostitution, made to rent pavement space to sell sex, and are subjected to physical, sexual, and emotional violence. Save the Children has intercepted and helped groups of unaccompanied children travelling across the country towards northern Europe, at high risk of human trafficking, exploitation and abuse.

As in Greece, the UK can play a far more proactive role in identifying and processing children with a legal right to be safe in the UK, including through using the discretionary clauses of the Dublin Regulation. By collaborating with the Italian authorities to identify children who would be eligible for refuge in the UK, the UK Government can support efforts to address modern slavery and trafficking and end the dangerous journeys taken by too many children.

### Recommendations for the UK in Italy

- Ensure transfers can proceed by providing UK expertise, including resourcing an outreach team, for identifying children in collaboration with the Italian authorities, with a particular focus on reducing the risk of trafficking.
- The UK should make better use of the discretionary clauses of the Dublin Regulation for highly vulnerable children.

## In the UK

While we have made significant progress over the past 14 months, the harsh truth is that, at present, criminals, rather than formal procedures, offer the most likely route to the UK for unaccompanied children. If we are to change this, a significant shift in focus and resource is needed to better protect vulnerable children in Europe.

Adult refugees in the UK have a right to **family reunification**, but this right does not extend to children. If family members of unaccompanied children transferred to the UK from Europe are subsequently located, these children should have the right to reunite with their family in the UK. This presents the best possible way for them to settle successfully and safely in the UK; it is in nobody's interest to keep vulnerable children separated from family members who can care for them – and the right to family unity is a fundamental principle of international human rights law.

Moreover, the UK Immigration Rules and the Dublin Regulation set out very different approaches to family reunion eligibility. The UK Immigration Rules on refugee family reunion only permit a parent to sponsor a child for family reunion (not an extended family member), while the Dublin Regulation permits family reunion with extended family. The result of this is that children with extended family in the UK only have a right to be with them if they make a dangerous journey across the Mediterranean into Europe. Ensuring UK rules align with European-wide ones will ensure a safer legal route for children to reach family members in the UK, and help end unnecessary deaths and exploitation of children.

Finally, some local authorities have either not volunteered or declined to take part in the National Transfer Scheme, stating that they feel they have insufficient funds to fulfil their duties to these children. The Home Office has argued there has been a misunderstanding of the resources available. If this is the case, it is vital that Local Authorities understand the resources available and why they are sufficient.

### Recommendations for the UK at home

- Expand the UK's family reunion rules to ensure that children are able to access their right to family reunification when it is in their best interests.
- Ensure local authorities have a full understanding of the resources available to them to deliver their responsibilities to unaccompanied and asylum seeking children.