

Human

Trafficking

Foundation

**An independent inquiry
into the situation
of separated and
unaccompanied minors
in parts of Europe**



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Jointly Chaired by
Rt Hon Fiona Mactaggart and
Rt Hon Baroness Butler-Sloss GBE

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NOBODY DESERVES TO LIVE THIS WAY!

An independent inquiry into the situation of separated and unaccompanied minors in parts of Europe

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Graffiti in the former Calais Camp,
commonly known as 'The Jungle'
Photo credit: Kate Roberts

This inquiry, which has been sponsored by the Human Trafficking Foundation, could not have been conducted, nor the report produced without time and expertise from so many provided in the form of written and oral evidence to the inquiry.

We are particularly grateful to the young people we met and who shared their experiences with us during the course of the inquiry and to Safe Passage for hosting our visit to Calais on the 12 May 2017 and facilitating our meeting with young people in Calais and the UK.

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TERMINOLOGY

Across the UK and in Europe there are different terms used by professionals to describe children, usually as result of their family, legal or immigration status - phrases like unaccompanied asylum seeking children, children on the move, unaccompanied minors or just unaccompanied children. We have used the term separated children to describe children separated from their main care giver. We reject the use of acronyms such as UASC or UAM to describe children as it dehumanises the most vulnerable in our society. All the children we talk about in this report are children first and foremost.

FOREWORD

As Co-Chairs of the All Party Parliamentary Group (APPG) on Human Trafficking and Modern Slavery we were alerted to the serious risks of trafficking and exploitation facing unaccompanied children in parts of Europe who are fleeing countries where they do not feel safe, who are seeking refuge in the UK.

We planned to launch an inquiry into their situation and how to improve their safety and protection, especially following the destruction of the “Jungle” camp in Calais. Shortly thereafter the election was called, which put a stop to the operation of All Party Parliamentary Groups.

But this situation is rapidly changing. We feel that the children concerned should not be left to wait and we are therefore very grateful to the Human Trafficking Foundation, which provides the secretariat for the APPG, for sponsoring our inquiry, allowing us to continue as planned. The inquiry is however independent of the Foundation as are its conclusions and recommendations. We would also like to thank all of those who gave evidence, and particularly the children in Calais, and in the UK who shared their stories with us.

The United Kingdom rightly regards itself as a country which takes care of children. But these children, who are not yet here, are facing daily risks and dangers which simply would not be tolerated if they were visible to us all. Many put themselves in harm’s way because they see no alternative, without trusted adults around them they are vulnerable to exploitation and without access to any legal system and safe routes to come to the UK where many have close relatives, they, instead, depend on criminals and smugglers to make the journey.

The UK Government has taken action to help children to safety. It offered asylum to Syrians living in camps neighbouring the war zone. Parliament approved the “Dubs” scheme to provide asylum to vulnerable children in just the way it did to Lord Dubs and the other children on the Kindertransport in the Second World War. But unfounded fears that a scheme of refuge for these children might act as a “pull factor” encouraging more to take the perilous journey to Europe have led the Government to do as little as legally possible to help these children including limiting access to the scheme and ending it abruptly.

The inquiry learnt that a safe route does not act as a pull factor and what draws children to the UK is our language, our respected education system, children’s family ties, sport, and an open job market. There are “push factors”, not just from terror in their home country, but also as a result of the violence they experience at the hands of the police in France, or bullying and violence on their journey. Safe legal routes mean that smugglers and traffickers have fewer opportunities to exploit children, their prices fall, and they may turn to more profitable forms of criminality.

Every day migrant children in France are tear gassed and assaulted by police. We learnt that in many parts of Europe their only chance of shelter is in squats controlled in most part by criminals who use children to make profits. Children in France sleep rough, depending on volunteers for food and clothing. No official information is available on how they can come to the UK by legal means. Yet our inquiry found that there is room here in the UK to give them shelter and to protect them.



This is unacceptable, so we propose some simple changes which could be swiftly implemented to ensure that children's best interests guide public policy. This would help children who have already set out on this journey without encouraging others to do so. In the longer term it is clear that European countries will have to work together to protect children and to prevent more from embarking on this hazardous journey, but we need to act now.

Fiona Mactaggart

Rt Hon Fiona Mactaggart

Elizabeth Butler-Sloss

Rt Hon Baroness Butler-Sloss, GBE

INTRODUCTION

“A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.”

Article 20 UN Convention on the Rights of the Child, 1989.

“4.1 Wherever unaccompanied minors are detected, they should be separated from adults, to protect them and sever relations with traffickers or smugglers and prevent (re)victimisation. From the first encounter, attention to protection is paramount, as is early profiling of the type of minor, as it can help to identify the most vulnerable unaccompanied minors. Applying the different measures provided for by the legislation and building the trust are indispensable to gain useful information for identification and family tracing, ensuring that unaccompanied minors do not disappear from care, identifying and prosecuting traffickers or smugglers. Unaccompanied minors should always be placed in appropriate accommodation and treated in a manner that is fully compatible with their best interests.”

UN Committee on the Rights of the Child's General Comment Number 6 of 2005

Over the last few years the UK Government has shown significant leadership in response to the refugee crisis into Europe and more broadly to the various migration crises globally. This is reflected in its aid commitment to Syria and the surrounding regions, in the previous deployment of UK assets for search and rescue operations, the expansion of the Syrian Vulnerable Person's Resettlement Scheme, accepting vulnerable children and their families from the Middle East and North Africa region under the Vulnerable Children's Resettlement Scheme and in enacting legislation to relocate vulnerable unaccompanied children from within Europe in what has become known as the “Dubs Amendment” after Lord Alf Dubs who has long championed the protection of refugee children.

The migrant crisis of 2016 brought into sharp focus the many thousands of children fleeing from desperate situations. A significant percentage travel alone, others start the journey with family but can easily become separated en route leaving them alone without a responsible family member. UNHCR recorded that between 1st January and 31st December 2016 100,264 children arrived in Greece, Italy, Spain and Bulgaria, of whom 33,806 (34%) were unaccompanied or separated children.¹ These children arrived through three principle routes: via Turkey to Greece and Bulgaria by sea; by sea to Italy; and by sea to Spain and overland. In Italy an estimated 92% of the children were unaccompanied.²

¹ Middlesex University Written Evidence.

² Middlesex University Written Evidence.

The Refugee Rights Data Project (RRDP) conducted a survey in Calais between 5th - 9th April, 2017 and their researchers interviewed 86 children under 18. The results concluded that of the 86 children:

- **97.7%** were boys and **2.3%** girls
- **28.2%** of children said they had previously stayed in French Government run CAOMIE centres
- **37.2%** had relatives in UK
- **96.5%** had experienced police violence in the area and 79% had experienced tear gas
- **75.3%** had been arrested or detained
- **85.9%** of children said they did not feel safe in and around the Calais area
- **63.1%** had experienced health problems and only **52.8%** had received medical assistance
- **Only 16.9% said they access to information about their rights and possibilities to change their situation and only 4.8% said they had access to information about European immigration laws.**

In the RRDP research the majority of children had suffered from police violence, including tear gas and beatings. As a result, many indicated that they do not wish to interact with French authorities.

“They said they’d process our family reunion but only took ten people out of 50 and left the rest of us. I didn’t have any option but to leave the accommodation centre.”

– Boy, 17, Eritrea

“The national police ran after me and fought me, beat me by stick and sprayed me with tear gas on my face. I didn’t expect that to happen in a country like France.”

- Boy, 14, Ethiopia

Marta Welander, the Director of The Refugee Rights Data Project [RRDP] gave further evidence to the Inquiry panel on 14th June. Ms Welander told us that “no one knows how many people there are let alone how many children there are which is part of the child protection failure. There’s no tracking, there’s no registration, no-one can actually say how many children there are”.³

“... a lot of the children have no idea [what is happening] and feel like victims of a system that is inhumane and so they don’t feel they are trespassing and doing anything particularly wrong – they are seeking sanctuary and they have made a long journey, they don’t seem to really understand what’s happening. They are in a violent situation in France and they know they have friends and or family in the UK they know they want to go there and they will do what they can to get there. Increased information, goodwill and communication will help address the situation and for the authorities to stop treating them like criminals and see this as a child protection issue. The partners on the ground are saying the same and saying if Britain is keen to remove pull factors they should also stop creating a huge push factor in Calais. The sustained police violence that is partly funded by Britain is pushing kids across the Channel.”⁴

CHILD TRAFFICKING

The Inquiry welcomed the Dubs Scheme as a contribution to the 4 P approach to combat human trafficking – Prevention, Protection, Prosecution, and Partnership. When Section 67 of the Immigration Act was enacted the Inquiry team believed that done correctly, the safe and swift transfer

³ Marta Welander, Oral Evidence 14th June 2017

⁴ Marta Welander, Oral Evidence 14th June 2017

of children to the UK would assist social workers to undertake comprehensive assessments and that would ultimately provide more data to law enforcement about how traffickers and smugglers operate across Europe. At the same time, it would deliver a comprehensive package of support to children, build trust with them and this would reduce the future risk of trafficking. It is therefore disappointing that the Government used trafficking as an excuse to curtail the Dubs scheme without consultation with specialist organisations.

Children who are alone and seeking sanctuary are always vulnerable and at a very high risk of violence, abuse, exploitation and modern slavery, including trafficking within Europe. This was overwhelmingly accepted by the evidence we received during the Inquiry and has been documented elsewhere by the Anti-Slavery Commissioner, Kevin Hyland.

“My advice to the Government has also highlighted how unaccompanied children on the move are particularly vulnerable to human trafficking, slavery and other forms of exploitation when they reach Europe.”⁵

When the Anti-Slavery Commissioner gave evidence to the Inquiry he told us that:

“We need to make sure all that is properly co-ordinated because it isn’t at the moment - even to the extent now that we know that these children are spending up to three months in connection houses in Libya where they are raped and exploited daily.”⁶

Not all separated children will be victims of trafficking, and not all child victims of trafficking will arrive in the UK alone, some will be accompanied on the journey by traffickers who are family members. However, there will be children who are in Europe eligible for the Dubs or Dublin schemes sleeping rough tonight who are victims of exploitation and who are falling through the cracks. The Inquiry team believes that all separated and unaccompanied children are

at risk of modern slavery because they have no one to protect them. Many of them will have already experienced exploitation and be at the mercy of traffickers as they try to make their way to safety.

As Home Secretary and then as Prime Minister, Theresa May has always said she wants the UK to be at the forefront of combatting Modern Slavery. In 2015 the Modern Slavery Act was enacted, it included special protections for child victims by introducing child trafficking advocates, a model of guardianship to be rolled out in England and Wales. The child advocate programme is still in its pilot phase. Separate laws in Scotland and Northern Ireland have strengthened the framework for child guardians to be made available for all separated children, even when the child is not identified as a victim of trafficking. Evidence to the Inquiry from an overwhelming number of witnesses re-affirmed previous calls for a comprehensive system of guardianship for all separated children, including trafficked children, to ensure that safeguarding measures are delivered as early as possible in the best interests of the child.

IOM survey data published in April 2017, shows that 91% of the migrant children (aged 14-17) who travelled to Europe through the Central Mediterranean route (through North Africa to Italy; the route through which most unaccompanied and separated children are arriving into Europe), experienced exploitation and abuse on their journeys. This is a considerably higher than average response rate among adults of 74%. These children responded positively to at least one of the trafficking and other exploitative practices questions, based on their direct experiences. Indicators include: experiencing physical violence, being held against their will, working without getting the expected or being forced to work.⁷

⁵ Kevin Hyland, Anti-Slavery Commissioner Statement on protecting unaccompanied child refugees against modern slavery and other forms of exploitation 22nd February 2017

⁶ Kevin Hyland, Anti-Slavery Commissioner Oral evidence 22nd June 2017

⁷ IOM Written Evidence

2. THE INQUIRY

WHY ARE WE LOOKING AT THE DUBS SCHEME?

In May 2016, the Government agreed to an amendment to the Immigration Act 2016 (Section 67) which committed it to accepting a “specified number of unaccompanied refugee children from other countries in Europe”. The debates in support of the amendment from all sides of politics assumed numbers of around 3000 children. This was to include children in the migrant camps in Calais, as well as in migrant arrival areas in Italy and Greece. In early February 2017, the Government announced unexpectedly that this “specified number” of children would total only 350, 200 of whom had already arrived in the UK. Except 350 children was far lower than many people had anticipated and meant that the transfer of children under Section 67 of the Immigration Act ended much earlier than expected.⁸ In responding to an Urgent Question in Parliament on 9 February, the Home Secretary reiterated that continuing to accept children under the Dubs Amendment “indefinitely” acted as “a pull” which “encourages the people traffickers”; and that “if we continue to take numbers of children from European countries, particularly France, that will act as a magnet for the traffickers”.⁹

The Inquiry team recognises that there are many dedicated organisations, lawyers and volunteers who have worked tirelessly for decades on the protection of separated and unaccompanied children, however, we felt compelled to act when the Home Secretary announced the Government’s position was that the Dubs scheme would act as a pull factor for traffickers and on that basis it would not continue the scheme to offer humanitarian assistance and safe passage to unaccompanied children in Europe. It is clear that the Dubs scheme has potential

to play a positive role in any safeguarding strategy for children who have experienced abuse, exploitation and trafficking.

The evidence gathered during this Inquiry demonstrated numerous push and pull factors but we have not received any evidence to support the Government’s position that the safe transfer of children to the UK is a pull factor which will encourage traffickers. On the contrary, the Inquiry concluded that in the chaotic manner in which it was handled on the ground and then abruptly stopped, the Government’s own administration of the Dubs scheme has created such a lack of trust in official pathways to safety that it feeds directly into the hands of traffickers. Children have lost faith that the British Government will act in their best interests and they are not prepared to wait months for a decision that might never happen so they turn to ever more risky methods of getting to the UK.

The evidence we have taken from front line support workers in Calais highlights that current policy feeds human trafficking, not stops it. “For minors it is just horrific. Every single policy the UK has [put into place] benefits the smugglers” said the manager of a French humanitarian organisation in Calais.¹⁰ We also heard that since the large security fence was constructed in Calais with British funding that smugglers now charge far higher prices for crossing, from 1,000 Euros to 10,000 Euros for the crossing, the more you pay the more likely you are to succeed. If your family can’t pay then you have to work to pay it back. Smugglers become traffickers overnight.

⁸ Home Affairs Committee Report

⁹ Home Affairs Committee Report

¹⁰ Secours Catholique [Caritas France], Calais

On 11th April 2017 the *La Liniere* migrant camp at Grande-Synthe near Dunkirk was burnt to the ground and was almost certainly deliberately lit. Prior to the fire it was estimated that up to 1,500 people were living there including hundreds of children.¹¹

We heard that before the fire the Dunkirk camp was largely controlled by smugglers and traffickers, with no official Government presence inside the camp and was an extremely dangerous place, for adults and children. However, like the Calais Jungle camp, it did provide a central location where volunteers could monitor children they knew and document new children in the area. According to *Medecins Sans Frontieres*, which was asked to set up the camp in early 2016 by the local Mayor, the majority of people in Grande-Synthe in early 2016 were either from active conflict zones, were discriminated against in their own country, or were targets of political violence. It was populated by Iraqi and Iranian Kurds, with some Syrian Kurds also Iranians, Kuwaitis, Iraqi Arabs and some Vietnamese.¹² The Grande-Synthe camp became a focal point after the Jungle camp clearance and the population swelled with other ethnic groups who fled from the Calais camp clearance and tensions flared. However, even as desperate as the conditions were, the Inquiry heard that it also became a focal point where, in the absence of any official co-ordination, organisations could meet to share information together about the children and take surveys of children who had gone missing.¹³ Since the fire at Grande-Synthe, it is believed many separated children remain missing or unaccounted for.

VIETNAMESE VICTIMS OF TRAFFICKING

Vietnamese adults and children are trafficked through Northern France to the UK via a network of Vietnamese nationals with settled status in France and others.¹⁴ What has become evident through this Inquiry is that the Vietnamese migrant community exists in virtual isolation from other migrants and Vietnamese children in particular are not visible in encampments apart from those run by Vietnamese in an encampment in a wood known informally as *Vietnam City* in *Angres*. Although this is not necessarily surprising, it is highly problematic for identification and registration of vulnerable children and access to safeguarding. However, due to the high numbers of Vietnamese children identified as trafficked through the UK's National Referral Mechanism this should be a priority for the Government with a specific strategy in how to reach Vietnamese children hidden within these communities who are destined for the UK. A particular factor common in many Vietnamese child trafficking cases is that when the children are found in cannabis factories or nail bars they have not previously claimed asylum which means they almost certainly are unaware of their legal rights or routes to safety before they get to the UK.

FRENCH AUTHORITIES

The Inquiry also condemns in the strongest possible way the failure of the French authorities to safeguard children and what we found in Calais was that the hostile actions of the French authorities has created a more immediate '*push factor*' of trafficking to the UK. In March, Calais mayor Natacha Bouchart banned the distribution of food to migrants as part of a campaign to prevent the establishment of a new refugee camp

¹¹ Blaze devastates Grand-Synthe migrant camp outside Dunkirk. The Guardian 11.04 2017 <https://www.theguardian.com/world/2017/apr/11/blaze-devastates-grand-synthe-migrant-camp-outside-dunkirk>

¹² MSF <http://www.msf.org/en/article/france-frequently-asked-questions-about-msfs-work-grande-synthe-camp>

¹³ Dunkirk migrant camp fire: 600 people missing after blaze at Grande-Synthe site <http://news.sky.com/story/huge-fire-reduces-dunkirk-migrant-camp-to-ashes-10833441>; UNHCR evidence, Calais 12.05.17

¹⁴ En Route to the United Kingdom: A Field Survey of Vietnamese Migrants. March, 2017 Irasec and France Terre d'asile

in the area.¹⁵ The actions of the French authorities to create a hostile ‘no tolerance’ policy towards migrants in Calais and surrounding areas has created such a toxic environment that children are routinely subject to police violence, sprayed with tear gas, pepper spray and hit with batons. Many children we spoke to in France and the UK had experienced police violence in France and elsewhere on the journey. Since the clearance of the Jungle camp in October 2016, funded in part by the UK Government, the situation for children has become intolerable and the failure of the British and French Government to enact an efficient, safe transfer of vulnerable children to the UK is unquestionably fuelling both trafficking and smuggling to the UK.

BRITISH AUTHORITIES

On the 18th April 2017 the Prime Minister Theresa May called a snap election for 8th June. During the election campaigning period the Government and departmental officials refrain from making any official announcements, the so-called period of ‘Purdah’. The Inquiry has not been able to obtain any statement or evidence from Government ministers but it is anticipated that the reconvened All Party Parliamentary Group (APPG) on Human Trafficking and Modern Slavery will take forward the findings of this report in the new parliament. We agree with the UN High Commissioner for Refugees in the UK that *“safe and legal routes for refugees seeking protection are of paramount importance as means of reducing human trafficking and smuggling.”*¹⁶

FIELD VISIT

The Inquiry field visit to Calais on 12th May, hosted by Safe Passage, gave us the opportunity to take evidence from a number of organisations in Calais including Help Refugees, UNHCR, Secours Catholique, Refugee Youth Service, long term volunteers, and most importantly from separated children and young people who had been caught up in the chaos with nowhere to stay and were sleeping in the bushes at night. The children bravely told us their stories of wanting to be reunited with families in the UK but how they have been forced to now live rough. They told us of their hopes and dreams for education, their love of cricket and football and the lives they left behind. All had experience of police violence in France and nightly exposure to CS gas (tear gas) or pepper spray. The Inquiry team were able to attend one of the limited food distribution points held near an industrial park run by Refugee Youth Service with many British volunteers and food prepared at the Refugee Kitchen with L’Auberge des Migrants International. The Inquiry team including the two Co-Chairs, met and spoke to migrants and volunteers for several hours. It can’t be stressed enough that the delivery of the most basic humanitarian aid to children in this context is done under duress. At the time of the visit the Mayor of Calais had banned the distribution of food to migrants in all but a small window of 60-90 minutes in the evening¹⁷ and regular volunteers reported to us the use of tear gas by riot police at food distribution points, aimed at them as well as at migrants, if they went over time. On our visit, there were three police cars that attended and stayed for the duration. Public showers had been mostly closed by the Calais local authorities and children couldn’t access safe areas to wash or go to the toilet, or indeed to wash off the residue of pepper spray and tear gas.

¹⁵ Benjamin Hunter. “Children and the British Border: UK Policy Hurting Lone Child Migrants” in Cornell Policy review May 16 2017 <http://www.cornellpolicyreview.com/children-and-the-british-border-uk-policy-hurting-lone-child-migrants/>

¹⁶ UNHCR UK Written Evidence

¹⁷ Calais mayor bans distribution of food to migrants The Guardian 2nd March 2017 <https://www.theguardian.com/world/2017/mar/02/calais-mayor-bans-distribution-of-food-to-migrants>

EVIDENCE

At the heart of the Inquiry we wanted to hear children's voices and, in addition to the young people the Inquiry team met in Calais, we were very fortunate to meet with a group of young people who had recently come to the UK from Syria, Afghanistan and Eritrea. Facilitated by Safe Passage, the group of youngsters gave their time generously and warmly to help us understand more about their lives, the journey they took, the good experiences and the bad ones and what they think should happen to make life better for other children. We also thank other organisations such as ECPAT UK and the Baobab Centre for seeking out responses from young people directly to our questions and for sharing their experiences.

This has been a very rapid Inquiry and deliberately so. The call for written evidence went out in late April, a field visit to Calais took place on 12th May and oral evidence was taken between 14th – 22nd June. The Inquiry team recognises that vulnerable children need urgent assistance and they can't wait any longer and deserve all of us to act accordingly. We also recognise that this is a fast moving situation which can change for the worse at any moment, and it does. The harrowing reports before the Calais 'Jungle Camp' was cleared in October 2016 and evidence taken by the Home Affairs Select Committee in February this year did not foresee the fire at the Dunkirk Grande-Synthe camp or the escalation of French police violence towards children. The Inquiry was not limited to just the children left in limbo in Northern France and we also looked at the current situation of separated children elsewhere in Europe who are most at risk of being trafficked because of their desperation to get to the UK. The Inquiry took oral evidence from two British lawyers who have just recently returned from offering pro bono legal support in the migrant camps in Athens and on the Greek islands. However, limited time means that we cannot describe the situation more fully than we have done.

The Inquiry received written evidence from 30 individuals and organisations, many with direct experience of working with separated children either in Europe or in the UK. We also received additional medical evidence. In addition to meeting with young people in Calais and in the UK the Inquiry team took oral evidence from 11 witnesses including lawyers, social workers, researchers and the Children's Commissioner, the Anti-Slavery Commissioner and the Chief Inspector of Borders. A list of witnesses who wanted to be identified can be found at the end of the report.

EVIDENCE NOT RECEIVED

It was disappointing that the Home Office refused the opportunity to give evidence to the Inquiry and therefore we are unable to provide relevant data held by the Home Office. In a letter from the Permanent Secretary to the Inquiry Co-Chairs the Home Office declined to speak to the Inquiry directly because of its policy not give evidence to anything other than a Parliamentary Departmental Committee.

It was also surprising to learn that the Association of Directors of Children's Services [ADCS] had no data on the number of unaccompanied children in local authority care. ADCS felt that they were unable to comment in the timescales and directed us back to the Home Office for data on the number of unaccompanied children supported by local authorities in the UK.¹⁸

¹⁷ Calais mayor bans distribution of food to migrants The Guardian 2nd March 2017 <https://www.theguardian.com/world/2017/mar/02/calais-mayor-bans-distribution-of-food-to-migrants>

The UK currently has no central collection of data on unaccompanied and separated children for the purpose of safeguarding or tracing children who go missing or are trafficked. In 2004 the National Register for Unaccompanied Children [NRUC] was launched to combine data on unaccompanied children in the UK from a number of sources. It was a partnership between several local authorities, the Local Government Association and it engaged with voluntary sector organisations. It was not administered by central Government but had support from the Home Office. On the launch of NRUC, in 2004 the then Home Office Minister Lord Filkin said *“The human cost of not improving joined up care through information sharing is well documented.”*¹⁹ The NRUC data base was shut down in 2011.

RELATED INQUIRIES AND OTHER ACTION

The Inquiry team fully endorses the conclusions and recommendations of the Home Affairs Select Committee Inquiry into Unaccompanied Children²⁰ and the 2016 House of Lords EU Select Committee *‘Children in Crisis: unaccompanied migrant children in the EU’* report and does not seek to duplicate but to provide an additional snapshot following recent events in Europe including the destruction by fire of the Dunkirk camp in April 2017. The House of Lords EU Select Committee held:

We found no evidence to support the Government’s argument that the prospect of family reunification could encourage families to send children into Europe unaccompanied in order to act as an ‘anchor’ for other family members. If this were so, we would expect to see evidence of this happening in Member States that participate in the Family Reunification Directive.

Instead, the evidence shows that some children are reluctant to seek family reunification, for fear that it may place family members in danger.²¹

At the time of writing this report the British Government is being challenged in the High Court on the administration of the Dubs Scheme and its failure to transfer, as it said it would do, hundreds of the most vulnerable children to the UK. Starting on 20 June 2017, the High Court is hearing the Help Refugees’ challenge to the legality of the Government’s implementation and closure of the Dubs Scheme.²²

¹⁸ Email from ADCS to Human Trafficking Foundation 22nd May 2017

¹⁹ Child refugee database unveiled BBC News website 23rd November 2004 <http://news.bbc.co.uk/1/hi/uk/4034691.stm>
²⁰ March 2017

²¹ ILPA Written Evidence

²² See Help Refugees website for further updates www.helprefugees.org.uk

3. CHILDREN'S BEST INTERESTS

Children's best interests must be at the centre of all decision making, whether that is about determining the future of the individual child or in determining the framework for policy and practice. This is not an aspiration, it is law. The UK signed the UN Convention on the Rights of the Child in 1990, ratified it in 1991 and it came into force in 1992. The Children's Commissioner for England told the Inquiry that we must take the framework of the UN Convention on the Rights of the Child [UNCRC] when determining what is in children's best interests including the right to be safe, the right to education, the right to healthcare and the Commissioner concluded "*Clearly being left in the middle of Calais is failing on virtually every front there is*".²³

The evidence we heard in Calais and from other witnesses illustrated that what started out to be an efficiently organised administration of the Dubs scheme with Home Office officials on the ground in France taking names and details of children rapidly turned into a crisis because the process was not co-ordinated, or developed in partnership with the organisations both in the UK and those who were on the ground and who knew the children. There is a large body of anecdotal evidence that children, who had given their details to UK officials, did not get a letter or a document telling them if or why they had been refused. They waited for long periods with no information and then lost faith in the system that they previously thought would help them. Many of the children who are believed to be on the 'Dubs list' if such a thing still exists have still not been transferred to the UK and the volunteers in Calais have not been made aware of what action is being taken or if any of the children are now missing, or have even already found their way to the UK. No-one was able to tell us what has happened to all the case data that was collected by Home Office officials on individual children or if it has been shared with other authorities.

The current situation for separated children in Europe in general, and Northern France in particular, has been made far worse by the UK administrative delays and failures to process cases of children who have a legal right to family reunification and others who are entitled to safe transfer under the Dubs scheme. Organisations on the ground had knowledge of children from lists they had been keeping and had accumulated data about them and their situation but they were not asked to provide data or to collaborate in the process. It is not the sole responsibility of the UK to fix the situation in France, however the failure by the Governments of France and the UK to develop a stable and functioning co-operation mechanism to provide long term sanctuary and immediate safety to the hundreds of children who are already there is disturbing and is counter to international obligations to protect children and act in the best interests of children. The UK quite rightly has an international reputation for its progressive approach to child safeguarding and global humanitarian efforts. Yet the fact that it cannot find a solution for this relatively small group of highly traumatised children on its doorstep is baffling and a gross failure to respond to children's best interests as embodied by the UN Convention on the Right of the Child, and indeed many other international obligations including the European Conventions on Human Trafficking²⁴ and on Sexual Exploitation.²⁵

The Inquiry heard evidence that although UK legislation does highlight the best interests' principle in immigration and asylum law this is not often reflected in practice and that greater emphasis must be placed on ensuring that the best interests' principle is not just referred to, but dealt with substantively in all decisions, with clear reference to an assessment being carried out as to a child's best interests, and what, if anything, justifies a departure from that position.²⁶

²³ Ann Longfield OBE, Children's Commissioner for England Oral, Evidence 21st June 2017

²⁴ Council of Europe Convention on Action against Trafficking in Human Beings, 2005 CETS 197

²⁵ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007 CETS 201

²⁶ Coram Children's Legal Centre

An area of particular concern is the lack of detailed guidance and direction on achieving a durable solution²⁷ for separated children subject to immigration control. We understand that the Government's planned safeguarding strategy for unaccompanied children has not yet been delivered. In February a Home Office Ministerial statement said *"As announced on 1 November, the Government will also deliver a safeguarding strategy for unaccompanied asylum-seeking children. This will ensure the Government puts in place a comprehensive safeguarding strategy for unaccompanied asylum-seeking and refugee children living in or being transferred or resettled to the UK"*.²⁸ We urge the Government to act swiftly and to ensure that there is a robust framework for a co-ordinated approach to determining a child's best interests in the safeguarding strategy and recognise that there is no time to waste.

Evidence strongly pointed to the need for improvements in more immediate best interests' assessments that have a far wider reach than is currently being offered. In particular, the gap and time lag between the legal system, local authority provision and the young persons' rights and entitlements that have consequences for children vulnerable to trafficking. Kent Refugee Action Network (KRAN) told the Inquiry that *"Many children become temporarily destitute through no fault of their own, which makes them highly vulnerable to alternative negative influences"*.²⁹

Often what is left out of the equation is that parents and families, and sometimes children themselves, make the incredibly difficult decision to leave their homes because they believe it is in their best interests in order to keep them safe. Any safeguarding strategy and best interests determination must acknowledge and respond to global realities that place the greatest burden on children.

*"JCORE has witnessed that parents send their children due to desperation to find sanctuary elsewhere because the children and young people's lives are already at risk. Narrative accounts from the children and young people that we work with bear testimony to the fears that lead parents to send their children to safety; such as being forced into armies; facing sexual threats; facing persecution because of the political involvement of parents. As one example, Hamid from Afghanistan, who has a JUMP befriender, was sent to the UK because the Taliban had tortured him when he refused to fight for them. There are few travel options other than paying agents in the hope they will accompany children over sections of arduous journeys"*³⁰

²⁷ "A durable solution is the long-term sustainable arrangements that we make for unaccompanied asylum seeking children, including those who have been trafficked. It means plans are in place, support is available, and children are helped throughout their childhood with a view to their future. It gives children stability, security, and a chance to heal and develop. A durable solution can also play a role in preventing re-trafficking." ACHIEVING A DURABLE SOLUTION FOR TRAFFICKED CHILDREN. 2015 UNICEF UK

²⁸ The Minister of State for Immigration Robert Goodwill 08th February 2017 HCWS467

²⁹ KRAN Written Evidence

³⁰ Jewish Council for Racial Equality Written Evidence

4. CHILDREN'S VOICES

At the heart of this Inquiry we wanted to make sure that children's voices were listened to and heard. It is only by listening to children and actively engaging them in discussions about their lives that will change things for the better. The Inquiry team met with a number of children on our visit to Calais. They were not being looked after and were not in the care of French authorities and their situation was desperately sad. They were sleeping in the woods and had the night before been beaten on the legs by police and not allowed to sleep. Their motivations for wanting to get to the UK, just like many other stories we heard were about having to leave desperate situations and re-uniting with family. Other "pull" factors are often overlooked but make complete sense for teenagers. Their love of cricket or football and a strong sense of familiarity to places they've never been to but had heard of from watching TV. The global reputation of British education is also a pull factor and all the young people we spoke to had a very strong desire to study. The violent actions of the French riot police towards children is pushing them away from safety and making children even more determined to get to the UK by any means, no matter how dangerous. This is an untenable situation and requires the immediate action of both the French and British Governments particularly as the British Government is funding various levels of security in France.³¹ This level of violence against children is unlawful in Britain, as it is in France, and the Government should be condemning the French authorities for their actions and not funding it.

At Calais-Fréthun station the Inquiry team met two brothers who were on their way to UK via Eurostar after a successful Dublin application to reunite them with their elder brother. This application had been supported by Safe Passage and lawyers from the UK. They arrived in Calais 2 years earlier aged 12 and 14 and had been waiting 7 months for their application to be processed. They were very excited to be finally going to Birmingham. Sadly, they missed the first train they were booked on because the Home Office officials at juxtaposed border controls didn't believe that they had the right to travel. The boys were booked on a later train and were extremely happy to be on their way with a travel chaperone. We also met a boy who left Afghanistan with his family when he was aged 9 and the family went to Iran. He lost touch with his mother and was deported to Pakistan. He was for there for 2 years then journeyed through Iran and Turkey to Lesbos in Greece where he was placed in a camp. His brother is in England and he has had unsuccessful attempts in Greece to join his brother. He left Lesbos and went via Athens to Milan, Ventimiglia to Paris to Calais. He is now in touch with Safe Passage in Calais and a new application is being made to join his brother.

In June the Inquiry team met with a group of young people at a London community centre. All had arrived in the UK as separated children. The meeting was facilitated by Safe Passage and gave the Inquiry an opportunity to hear different experiences of children all who are currently in local authority care but who have had different journeys to get there. The young people have given us permission to tell their stories.³² We are very thankful to all the young people who were so brave to tell their stories to us, and to Safe Passage, the volunteers and interpreters for their assistance in facilitating this very special opportunity.

³¹ Home Office Press Statements: 24.10.16 Calais migrant camp: Home Secretary statement www.gov.uk/government/news/calais-migrant-camp-home-secretary-statement; and; 03.03.16 Further joint action between UK and France in Calais region www.gov.uk/government/news/further-joint-action-between-uk-and-france-in-calais-region

³² All names have been changed.

AHMED, AFGHANISTAN

I had to leave Afghanistan because the situation was dangerous mostly due to the Taliban. My family encouraged me to go because they were worried for my safety. Before leaving I said goodbye to all my family, including my parents and younger siblings. I wanted to do this and not just sneak out under cover of darkness. I travelled for 10 months, most of it with no close friends or family with me, but just those were on the same journey. From Afghanistan, I walked to Iran and then onto Turkey. The Iran -Turkey border was the most dangerous crossing. The Iranian army would open fire at those trying to cross illegally. The smugglers who were taking us had to know exactly when it was safest to cross. The route through Turkey was very difficult. I remember being cold in my body, right to the core. The police in Turkey were scary and quite aggressive. I remember vividly the moment when we arrived at the Turkish seafront and my group was handed over to the smugglers who would be taking us across to Greece. The cost of the crossing was €700 per person. The smugglers wore bandanas across their mouths so you could only see their eyes. They were a mixture of Afghani, Turkish and Kurdish. The boat journey was at night. Half way through the engine cut out. It took two hours for the smugglers to get the engine working again. We finally arrived in Lesbos where quite soon after I got another boat up onto the mainland. I remember spending time in a camp in Austria. I found this experience very lonely and difficult. My initial plan was to just stay somewhere in Europe and not necessarily join my sister in the UK. The police in Austria were well behaved. After feeling very lonely and struggling to get by in Austria, I decided it was worth trying to get to my sister in the UK.

In Calais

I got up to Calais where my experience, and especially with the police, became much more brutal. When I first arrived I found two other Afghans who showed me where the Afghan quarter was and told me to how things worked in the camp. The tent I slept in was in very poor condition and would often collapse due to the wind. I remember queuing for the showers for 2 hours and then only being under the water for 2 minutes. I remember the police throwing tear gas into the camp, as well as pepper spraying me in the face. There was a big problem in Calais with police not being inside the camp. This meant a lot of crime happened. I remembered being beaten up regularly and even some murders among the residents. After getting caught by the police once while I was hanging around where lorries would park near the crossing, they beat me so hard that I struggled to walk for a week afterwards. They also beat me on the head on another occasion. On one occasion when I was trying to cross, I thought I had made it. I managed to smuggle in the back of a lorry. The lorry passed the first check point and I remember thinking that I had made it but just before the lorry got onto the ferry, the police came with dogs who discovered me.

Transfer to the UK

After several months in the camp, I eventually met with a Safe Passage field staff member who told me I could be transferred legally to the UK. Safe Passage was the only organisation who told me of a legal route to the UK. The whole process took 4 months. I kept trying to cross illegally during this time due to the uncertainty at that time around the Dublin process. I only first started to believe it was possible when I met with a UK lawyer. I started to hope a bit more when I heard that other boys from the camp went with Safe Passage to the UK. But even after my request to be transferred to the UK was secured, I still didn't trust it would happen. I even felt scared going through security at the train station and kept thinking someone would stop me.

Support in the UK

Most of the support has come from my family in the UK (my sister and her husband). There was very little help from the UK Government. My social worker was not helpful either and couldn't even help me get an Oyster card. It was my family, not the local council, that helped enrol me in college. My college offers £40 a week to students to help with travel, but I need a bank account to receive it and I can't currently open a bank account because I'm still waiting on my asylum claim. I am studying Maths, English and Computer Studies. I speak regularly to my family back in Afghanistan, but it is too dangerous for them to make the crossing to Europe. The decision on my asylum claim has been delayed by 8 months. I'm just always living with this uncertainty.

KAMAL, SYRIA

I left Syria in October 2015. I had been studying Syrian International Baccalaureate (IB) but could not continue. I travelled with my cousin. My cousin gave me information all along the way and told me where to look for help. My cousins and friends advised against having my fingerprints taken. I travelled from Syria to Turkey and stayed in Istanbul for a month then went to sea and to Greece then Serbia then Croatia then Austria then Germany then France. I spent 11 months in the Jungle camp and didn't go anywhere else. My cousin who is about the same age was with me and many others but I didn't know them. Turkey was the most difficult part of the journey - the dinghy was a very difficult experience. The smuggler was paid to get me across and they treated me ok but I didn't see the smuggler - only the people who worked for him dealt with me. I didn't pay directly but the group paid. The guys in Turkey managed everything. I had no idea how to deal with the smugglers. Serbia was the easiest part. Then it took a month and a half to get to Calais. I tried so many times to get on a lorry to come to the UK but never succeeded. I once tried on my own but ended up in Sweden on the wrong lorry. When I found out I came all the way back to Calais by the same route.

In Calais

A month after arriving back in Calais I registered with Safe Passage but I never believed it [getting to UK] would happen. Even though I registered I kept trying to cross on my own because I just didn't believe it would happen. I had to wait another 7 months to get to the UK. I was the last one of my friends from the camp to arrive in the UK- my cousin was accepted 3 months before I got accepted so I had to stay on my own without him but I was happy for him.

I didn't like the French police - they used to be really strict and would stop us crossing by using gas and sticks on us. They did not respect the refugees at all, I was beaten by French police and I was shot by rubber bullets. I ran away limping and two days later I went to hospital but I left because I didn't want to be found. In Calais a doctor used to give short courses - he was a Moroccan volunteer and he was with a French charity. I received a certificate with my name on it for first aid from the French Red Cross.

In UK

I am now attending college and learning English, Maths, Geography - the teacher isn't treating me very well. I want to change college next term. I would like to do hairdressing but the course starts in August. I have Refugee Status now. In 1 year's time I would like to be control of the English language and get in to politics. One day I would love to go back to Syria as I still have family there. In 5 years - maybe start career in politics or hairdressing. My social worker helped me to go to an optician and dentist.

ISSA, SYRIA

I come from Syria. When I was a child I loved the UK over every other country and had a dream for a better life then I lost my country but I still had my dream when I lost my country so I came. My father was political so I had to leave. I had been studying the Syrian International Baccalaureate (IB) but could not finish it. I found out how to travel by doing research on my own on my phone, sometimes Google, sometimes volunteers around the world share this info from official and non-official charities, I'm not sure it's all accurate but it was still helpful – also word of mouth. I left Syria when I was 15 and took all the responsibilities and I was like child planning a game. It was crazy. I first went to Turkey and stayed there for 3 months, then to Izmir like everyone else, then to the Greek islands until I got to France. After Greece it's easier to cross except when you get to the UK. I was so scared in the boat - I can't swim so if I sink I will die. I found a smuggler via friends who gave me the number. I had no choice – some smugglers are bad and some ok – they were completely anonymous you only had their number – they would test someone for 10 mins to drive the boat until they found one half good enough. I was lucky the driver for my boat used to drive boats in Lebanon. There are smugglers all over Northern Europe but mostly in Belgium and France. The smugglers care only about money. In Turkey they were Syrian. In Belgium and France, Egyptian. In the last 6 months in Calais the only way was with a smuggler. You have to have one.

No one has a 'good experience'

In Turkey there were mainly Syrian smugglers but in Europe mostly Egyptian smugglers. When they closed borders the use of smugglers went up but before that it was easy to get on the train yourself. Nothing is good with smugglers. I was in Europe for around 2 years.

In Calais

I was in Calais for 10 months before losing hope and attempting to go to Scandinavian countries but had no luck there so went back to Calais. The Scandinavian people were very closed and not open to refugees and I did not feel wanted. For me the police were always good they didn't hit me at all while I was there. My English wasn't as good before, it makes a difference that I can explain to them briefly what I can do. The big difference in France is that they have weapons and in the UK they don't so here you feel comfortable and here they would never hit you except for special reason. The UK police caught me in Dunkirk and made a report for me and sent to the Home Office which later was brought up. In Belgium they caught me 5 times and I was put in jail for 24 hours each time but they gave me food and information. Hungary was the worst. They follow you for 2 kilometers to try to catch you to finger print you and put in jail for month and treat you badly. The UK (police) never hit anyone and always try to help. They are like normal people – just dressed differently.

Getting accepted on Dubs scheme

It all happened over 1 week I had no clue what was going on. I arrived in Calais and the following day they destroyed the Jungle camp so I was there for around 12 hours – I met a lawyer and within a week I was coming to the UK.

In UK

I have had a lot of support from my community – the Government didn't think they needed to help because I have foster family. The Jewish community really supports me and my foster family put me in a special school to get qualifications. My social worker just comes to check but never does anything. Normally I have to wait until I'm 18 before getting my own flat but I decided that I will stay with my family until

I'm 25. I haven't received a decision from Home Office about my asylum status. In Syria I couldn't take exams because the school was in a dangerous area. In Germany I had one terrible lesson. I have been in education here for 6 months. In December I want to do a foundation course in Politics and International Relations at Kings College London. I have been accepted at Birkbeck but I am holding out for Kings College. If Syria is free in 5 years' time I will finish uni and will go back.

UNQAY, ERITREA

I have no family in the UK. The political system is the main reason that I left Eritrea. Not everyone is encouraged to learn freely. I travelled from Eritrea via Sudan and Libya, but I could not find a school where I could learn English. I was aged 16 when I travelled from Eritrea to Sudan in January 2016 with two classmates then to Libya before reaching Europe. I first got to Italy then travelled to France to Calais before arriving in the UK, in January 2017. Life was very hard in Libya and in Sudan. In Sudan, I was facing torture and traffickers who forced me to convert to Islam. I was beaten daily, hanged upside down and held for 1 month and 2 weeks in Sudan by human traffickers who continuously asked me for money. I managed to call my family back in Eritrea and they all contributed to pay for my ransom. I then travelled to Libya and was trafficked there as well for 6 months. Libya was the worst part of my journey and I saw people in complete misery, being held by traffickers and dying. I managed to escape the traffickers and crossed the Mediterranean Sea to Italy. When I was in Italy, I was living in a camp that was very secluded. I travelled to France by crossing the border by foot from Ventimiglia for 8 hours. The situation was very dangerous and I got bitten by a snake and was taken to a hospital in Nice. From Nice, I travelled to Paris. When in Paris, I stayed in the streets and was homeless for some time.

In Calais

I then managed to reach Calais and stayed there for 7 months. I attempted to reach the UK everyday by hiding in the back of lorries. After the destruction of the Jungle camp, I returned to Paris before deciding to go back to Calais by myself. The French police were very rough with me. During the day, they would not do anything but at night time, they would come and spray us and beat us with metal sticks. I tried to hide in the back of lorries every night, but unsuccessfully. I tried to cross the border by hiding inside a box and was put inside the lorry and finally managed to get to the UK on March 2017, when the lorry stopped in London. The driver tore the box and discovered me. I jumped out of the lorry and knew I was in London because I saw a poster with London on it.

Arriving in the UK

I then spotted some policemen and told them that I was a new person arriving from the Jungle. They took me to the police station where I had a screening interview. The police then took me to a room where I fell asleep and when he woke up, I was in another big room.

On my arrival, the UK police were very helpful compared to the French ones, despite the language barrier. They brought me food and asked me if I wanted to take a shower. I was immediately put in contact with a social worker and Social Services then took me to the hospital as they noticed bad wounds and scars on my body that were left by the traffickers. I am currently supported by Social Services and live in a shared house with my friend.

I claimed asylum at the police station and now have an immigration solicitor; I am currently waiting for my substantive interview. All the advice and the information I need regarding asylum have been clearly explained to me by a professional interpreter in my language, despite them being sometimes given over the phone. I feel like I could have benefitted from more support integrating. If there was no language barrier I would be able to do well in a job and I would like to do mechanics and sports science, as I used to play volleyball and football and cycled a lot. I am currently attending an ESOL class at college and going to church with my friend. I am still in touch with my family in Eritrea. My main concern is to be able to find my friends that I left behind in Calais and in Paris.

ZEROM, ERITREA

It was the forced military service that pushed me away from Eritrea. I was aged 15 when I left Eritrea on my own in January 2016. I was called for military service but I managed to escape before entering it. The military service usually starts at age 16-17, but it can even be at an earlier age, depending on whether you are enrolled in education or not. I did not necessarily want to come to the UK, I just wanted to reach any country where I could find safety. I first arrived in Greece and managed to get hold of my brother from there, who asked me to come to the UK because he was there already and could help me to be reunited with him.

The journey to Europe

I was living near the border and crossed over the border to Ethiopia. Ethiopia was the worst part of my journey as I was living in very difficult conditions, and it was especially hard for Eritreans. I stayed there for 1 month in a bulldozer and eventually, everyone around me was made homeless. Following Ethiopia, I got to South Sudan then to Egypt, then Turkey, Greece and finally to the UK.

The journey through Europe

I travelled by boat from Turkey to Greece in January 2017. The boat journey was only 20 minutes long and there were about 20 people on the boat. My journey in Europe went quite smoothly and I did not even encounter any police officers there.

Transfer to the UK

I had previously heard of the UNHCR, when I got to Greece, I went straight to the UNHCR. The UNHCR immediately asked me if I had any relatives anywhere in Europe. I registered with the UNHCR and gave my fingerprints in Greece and stayed there for 6 -7 months without trying to reach the Jungle in Calais.

Support in the UK

I came to the UK with the help of Safe Passage. I am now supported by Social Services living in shared house with my friend. My brother lives nearby and I am still in touch with my family in Eritrea. I miss having them around but it's ok. I am currently waiting for my substantive asylum interview but so far, I am very happy with the interpreters and with the immigration advice I have been given. I am always trying to forget the journey since leaving Eritrea and only have the church to support me. I am currently attending ESOL classes at College and would like to find out about how I can play football and further education. In the future, I would like to attend university to study accountancy.

THE ENDLESS WAIT

The Inquiry also received case reports from organisations working directly with young people who have gone missing, been exploited, injured or died while they waited for the British Government to act to get them to safety.

Samera 17, Eritrea.

At 17 years old in October 2016, Samera was accepted to be transferred to the UK under the Dubs Amendment. However, on the day she was meant to join her young friends on the bus heading to the UK, a Home Office official denied her entry to the bus without explanation. She went to an accommodation centre for minors in France, but after months of waiting for progress she left for Norrent Fontes. From there she went missing and our volunteers could no longer locate her. From January until March, our volunteers looked for her, contacted the Home Office, the French Defender of Rights, alerted the anti-trafficking teams and Children's Commissioners on both sides of the Channel, the police, the Anti-Slavery Commissioner, politicians including Yvette Cooper and the media. Eventually, our Tigrinya Translator located her and we instigated her case with the Home Office to be reopened for immediate transfer. Samera told our translator that she had been moved from the camp to Paris and back, that she slept in a tent on the streets of Paris and that men would tell her she "had to work". When she was found, she had numerous unexplained marks on her body. While we prompted the Home Office to re-assess her case and she has been approved for transfer over a month ago. She is still in France and we are really concerned that she may abscond again, as she is still under an immense amount of psychological pressure.³³

A 14-year-old Iraqi Kurdish boy, living in Grande Synthe camp, claims his father is in the UK but that he has not heard any news regarding his Dublin case. He left the CAOMIE and went back to Northern France, trying to cross to the UK himself, jumping on lorries every night. He spoke perfect English and was hoping to go to school and then university.³⁶

Raheemullah 14, Afghanistan.

On September 15th 2016, when the total demolition of the Calais Jungle was first announced, Raheemullah was engaged in the legal process to join his brother in the UK and had been waiting for 5 months for any progress to happen. He had had delays with the under resourced ad hoc administrator funded by the state, the slow communication between the London and Paris Dublin III units and no answers from the Home Office. He was tired of waiting, so he tried to get to a lorry from the side of the motorway. He was run over by a car that didn't stop. A volunteer from our partners Refugee Youth Service went to the local morgue to identify his body. We worked with them and the boy's family to arrange his repatriation and burial. Raheemullah would have still been with us, and more importantly with his brother, had he not been forced to wait for so long to join him legally.³⁴

Two children were assessed under Dublin III, one claiming to have a brother, the other an aunt. The Home Office contacted their families in the UK, including an assessment of their living condition and financial situation. The family provided documentation requested by the Home Office, including proof of contacts being made with the children, phone bills, etc. Both cases were refused. The children were not given a refusal letter, or a reason as to why their cases were refused. The children asked the accommodation manager for an update and were told their case was refused. One of the children told us that he was very frustrated, and had left the CAOMIE in southern France to come back to Calais to cross illegally.³⁵

³³ Help Refugees

³⁴ Help Refugees

³⁵ British Red Cross

³⁶ British Red Cross

5. THE IMPACT ON CHILDREN

Children on the move face every new day with unimaginable dangers. The children we spoke to in Calais and in London told us of their experience of violence from police, from other migrants and from citizens of the community where they were passing through. For many children this is normalised as something that just happens and this adds to the sense of resignation and outward appearance of maturity, well beyond their years. In evidence from the Greater Manchester Immigration Aid Unit we heard of a case worker who described two brothers she was representing as *“emotionally worn down by their experiences in Calais that was etched on their faces.”* And that children who had originally left their home country with family but had become separated on the journey still did not know where their family members were and this was causing great distress.³⁷ There are also widespread reports of rape and sex for survival for both young males and well as young females. Violence isn't the only threat to children. Speaking with a volunteer who supports vulnerable young people in Calais we heard about other child health issues such as chronic orthopaedic problems from being beaten on the legs or from wearing poor fitting shoes and the complications arising from no medical treatment. There is a strong sense by all those we spoke to that this intolerable situation for children is a haven for traffickers. Children who lose all faith in authorities, who just want a safe place to sleep and who are subject to violence by police are far less resilient and far more vulnerable to being groomed into exploitation, including sexual exploitation, labour exploitation or exploitation for criminal purposes and radicalisation.

Children, quite rightly, want to know what the Government is doing with their information. Children should not be left without documentation if they have been registered by officials. Having no information and being left destitute and homeless for weeks or months without contact from the authorities is unquestionably a breach of their fundamental right to protection.

The mass movement of people disguises the many varied and different types of situations that children have come from and where they are heading to and the desperation of families to get them to safety. Due to time constraints the Inquiry was not able to give more time to the experiences across other parts of Europe but we are grateful to a number of organisations and individuals for sharing information with us. The Athens Volunteers Information and Coordination Group gave us evidence from Greece, Italy and Serbia including the following examples of children:

- One family sent their seven year old son, alone, from Greece to Germany, with a smuggler.
- Another family sent a nine-year old to a port to board a container in a ship and make his way to Italy, and then onto Germany.
- Another case is of a thirteen year old boy, who with the help of a smuggler, boarded a container in a ship and made his way to Italy, then to France.
- A twelve year old son was sent by his parents to Serbia to cross the border however the child was raped by four men who held a knife to his throat.

³⁷ Greater Manchester Immigration Aid Unit – briefing note on children in the North West from the Calais camp

MENTAL HEALTH

Although the mental health focus on children when they arrive in the UK is often on the trauma of the journey, many children are also carrying with them trauma of what they left behind at home and that might include violence or witnessing violent events or the murder of a family member. It is entirely possible that for months, if not years, before they reach the UK that children will not have had the opportunity to talk to any health professional. It is our opinion that all separated children should receive appropriate and specialist mental health support as part of their care plan in the UK. They should also have priority access to mental health support, whether that is through one-to-one professional psychological support or through the various therapeutic group sessions or social group provided by NGOs like ECPAT UK, The Children's Society and the Refugee Council. Children's mental health problems, including complex PTSD, must be more formally recognised by the Home Office as a reason why children struggle to provide a coherent narrative and get confused about details. The damage caused to children by the 'culture of disbelief' in immigration processes and with age assessments is immense.³⁸

Psychotherapist Shelia Melzac, Director of the Baobab Centre, told us that *"..all the research shows that these young people enter the journey suffering from PTSD, suffering from difficulties in the process and suffering from developmental difficulties and that's somehow denied or rubbed out so they enter Europe in very complicated psychological state and often physically ill as well and why the system can't actually recognise and attend to their needs... The fact that they are portrayed as being 'pretend' children who are really adults pretending to be children and they're migrants and in fact they're actually children who've experienced human rights abuses."*³⁹

We witnessed one [incident] in the last research which was sparked off by one of the minors who arrived at the distribution point very intoxicated saying 'this is my one-year anniversary on the Calais streets, Happy anniversary to me' he was really inebriated and off his mind and this led into a huge group fight and there was this boy who clearly needed psycho-social help was dragged by the foot or arm across 50 metres screaming by the police in riot gear and then thrown into a police van. The door shuts and charities try to help but are pushed away by the police and of course the rest of the kids were trying then to riot against the police for having done that because they don't understand what's happening. Some rocks were thrown and it easily escalates. And what the French authorities do here is they move in with their riot gear, pepper spray, rubber bullets and tear gas and escalate the smallest of fights between kids instead of bringing in social workers who can de-escalate and take care of these kids who are in severe need of care.⁴⁰

"The process of change is not necessarily sequential. It is possible to study in college or in university and in parallel have regular nightmares and flashbacks and at the same time be in the working relationship with your psychotherapist discussing these thoughts and feelings"⁴¹

IDENTIFICATION

The withdrawal of the Government's implementation of the Dubs scheme and the Calais zero tolerance policy has had a disproportionately negative effect on children who cannot access protection. The Inquiry

³⁸ East Midlands Strategic Partnership Written Evidence, Coram Children's Legal centre Written Evidence, ECPAT UK

³⁹ Shelia Melzac, Baobab Centre, Oral Evidence 22nd June 2017

⁴⁰ Marta Welender, RRDP Oral Evidence 14th June 2017

⁴¹ "Johan" a survivor of childhood abuse and trafficking. Johan came from an area of longstanding conflict, he was abducted and forced to use weapons. He escaped out of his country but was sexually abused by the people that took him in and trafficked to the UK where the sexual abuse continued. [used with permission of Baobab Centre for Young Survivors in Exile] this footnote is for previous page

team visited the Secours Catholique [Caritas France] drop in centre which was intended to be for children but when we attended there was a majority of adult migrants because there are so few alternative places to go to access bathing facilities, top up mobile phones and get sleep. Secours Catholique told us that there are no safe places to sleep and no safe place to store documents and this is a major problem for children. They also told us about the police harassment of children which included smashing their mobile phones, contaminating the sleeping bags given to them by volunteers, moving them on so they cannot sleep or taking their shoes. As a consequence, children are not able to sleep through the night and this brings with it a new set of problems. Secours Catholique was just one of many people the Inquiry spoke to who agreed that since the Jungle camp clearance, funded to large part by the British authorities, it is more difficult than ever to meet and identify children. Children don't want to stay in the French State provided accommodation facilities

[CAOMIE] because they feel they are treated so badly.⁴² In Northern France there are no longer any official migrant camps so there are no places where separated children can maintain regular contact with aid agencies, medics or volunteers and in these conditions it is extremely difficult for NGOs to identify new children, or those returning back to Calais. Not all children arriving in Europe want to come to the UK, they may have family in for example Germany or Sweden or are content to stay in France but children seeking to come to the UK will end up in Northern France if they feel that is the only option they have.

We heard from the Refugee Youth Service in France that since the Jungle camp clearance they have established a mobile youth centre out of a van to try to reach children but children are now more dispersed and hard to find and that it was much easier to identify children during the time of the camps.

The data sharing – the monthly census that we used to do [during the time of the camps]. There used to be weekly meetings with the local authorities in France and every time I would go to those meetings and I'd tell them, 'ok I'm doing another census and in two weeks' time I'll present the findings'. And I would do that, constantly for 8 months. These were the people who were communicating back to the Home Office about what was happening. The census findings were quoted on Hansard at least twice that I know of.. there is no way the British authorities did not know that we had that information. They knew all along. We actually did, a week before the camp in Dunkirk burned down, we conducted another census but only for unaccompanied minors and we found 120 with complete information and 30 with incomplete information... The special thing about this one is that we took pictures of them and they let us take pictures of them. Before the camp burned down we presented those findings to the French authorities and the child protection agency and the agents that were mandated to run the camp and manage it who were useless. We told them we have at least 120 solid unaccompanied minors with pictures – you cannot deny their existence. And they said they had 10 on their list. The camp burned down... the local authorities (then had) 60 unaccompanied minors that they had formally identified – we said ok, that's great but where's the other half? So what we did after that is send the full document with all the information and it was really, really detailed. Everything from their family in the UK or otherwise, phone numbers pictures – everything you could possibly imagine, date of entering in to Europe. We sent it to the Defender of Children's Rights, the Minister of Justice, the UNHCR, the equivalent of the Children's Commissioner in France managed to identify 68 of them in protection. She has no idea where the rest of them are and we don't either.⁴³

⁴² Calais based volunteer

⁴³ Annie Gavrilescu Northern France Regional Manager, Help Refugees 21st June 2017

EXPOSURE TO RIOT CONTROL AGENTS

The Inquiry is particularly alarmed at the evidence we received, including from children themselves, of the routine use of Riot Control Agents such as CS Gas and Pepper spray by the French authorities and the short and long term effects on children's health and well-being. The Inquiry team was not able to take evidence from the French authorities. However, we requested expert evidence on this from Public Health England and the Red Cross. In all our enquiries we understand that research on the exposure to children is uncommon, possibly because no expert believes these agents would ever be used on children. Dr Barry Klaassen, the Chief Medical Advisor for the Red Cross told us that:

*"From a review of current available literature the most commonly used agents, Pepper spray and CS, will have toxic effects exacerbated by repeated exposure especially if within a confined space which prevents their natural dispersal. In the case of Pepper spray this has been recorded to cause fatalities. Both these commonly used agents can cause repeated symptoms for victims and to others, handling those exposed, due to persistence of the agents on clothing and furnishings contaminated with the agents. It is my professional opinion such agents, if required to be used, should be used for the minimum exposure time necessary, not used repeatedly, not within confined spaces and those contaminated should be removed to fresh air as soon as possible to allow natural dispersal. If symptoms persist longer than 30 minutes, victims should be removed from others. All contaminated clothing removed, with full protective precautions to prevent contamination of those assisting. Wash exposed skin with soap and water and irrigate eyes with water and medical help should be sought."*⁴⁴

In Calais we were told by a charity worker resident in France that he was now seeing children with ocular (eye & vision) problems after they were sprayed in the eyes by riot police and he noted scabies spreading, most likely because the local authorities had restricted the use of public showers in an attempt to drive the migrants away. The removal of public bathing facilities by local authorities also means that children cannot wash themselves or their clothes after being exposed to CS Gas. Volunteers at Help Refugees in Calais also told us that the sleeping bags the children had been given were having to be dumped after being contaminated by CS Gas which had subsequently led to an increased demand in sleeping bags especially over winter.

Independent social worker Jacinta Kane who had direct experience of interviewing children in Calais told us her experience of how children in Calais felt like they were being pushed away from France because of the treatment received including being gassed. *".. the young person basically said he might try going to Germany, or another country because he didn't trust the French authorities. He'd been tear gassed, he felt threatened, he said 'he did not feel safe in France due to his experience with police spraying him with tear gas at his tent. He does not feel safe in France and feels that there is a lot of hatred towards him.'* So I think that would be the experience of most children. Certainly the experience of the children that we spoke with – maybe 15 or 20 children."⁴⁵

⁴⁴ Written Evidence Dr Barry Klaassen, Chief Medical Officer. Red Cross

⁴⁵ Oral evidence by Jacinta Kane, Independent Social Worker 22nd June 2017

SYMPTOMS OF CS GAS EXPOSURE

According to Dr J.M. Coulson “symptoms of acute CS exposure classically occur within seconds to minutes. Eye features include: lacrimation, irritation, blepharospasm and redness. Inhalation produces a burning sensation of the throat and upper airways, cough, shortness of breath and excessive respiratory secretions. Dermal exposure causes a burning sensation, although blistering and superficial burns are reported with prolonged contact.

Systemic features of toxicity are not anticipated, due to the rapid metabolism of CS once in the body. However, symptoms of anxiety following exposure are well described and features of post-traumatic stress disorder may occur post-exposure. Hypersensitivity reactions may also occur in susceptible individuals.

A systematic review of human toxicity by Dimitroglou et al (2015) and a case-series of CS exposures reported to the National Poisons Information Service (2004) reported an average age of exposure cases of 26 years, respectively. Clinical features were noted to be transient in most cases. Prolonged (hours to days) and severe injuries affecting the eyes; airways and skin were also described, including: acute lung injury; corneal ulceration and chemical burns.”⁴⁶

LACK OF OFFICIAL INFORMATION ON THEIR LEGAL RIGHTS

Children on the move are almost entirely dependent on informal, sometimes inaccurate, information gained through word of mouth. The Inquiry team was particularly concerned by the lack of official information sources suitable for children to help them understand their options and their legal rights. Evidence provided also suggested that, whilst well meaning, many volunteers either do not have or cannot get the correct legal and administrative information from official sources.

...the only ones they can turn to are the accommodation centres but a lot of the time they will just be turned away and that is why they leave. So had there been someone there to turn to it's highly likely that they would have stayed in this safe space with showers and food. But there is no-one to turn to. The local charities don't know who the kids could turn to. They have nowhere to send the kids to. So that's exactly the first bottle-neck is the absence of knowledge amongst all of us as to where these kids are supposed to go.... If the Governments of France and Britain could tell us what the plan is and if there is somewhere to go that would be wonderful but I assume there is no place.⁴⁷

“Many of the children our team spoke to had never received any information as to their rights under Dublin, nor support in how to access it. The children and young people are aware of its existence, as it is talked about a great deal through word-of-mouth and social media, and non-Governmental and humanitarian organisations, but it remains invisible and inaccessible to children. Outside of the areas where young refugees congregate in Northern France, the Dublin Regulation is little-understood and even harder to access. This context means that children are encouraged to reside in Northern France as the entry point for Dublin, while smugglers seek to encourage illegal entry at the same time”⁴⁸

“Where the MLP has represented the children, our experience is that in the majority of those cases the children and their families have not been informed about the legal routes available to seek family reunion until the involvement of private actors such as ourselves and Safe Passage UK.”⁴⁹

⁴⁶ Written Evidence Public Health England - Dr JM Coulson LLM MD FRCP ERT Clinical Senior Lecturer/Honorary Consultant Physician; Clinical Pharmacologist & Toxicologist Cardiff University/All Wales Therapeutics & Toxicology Centre/National Poisons Information Service, Cardiff

⁴⁷ Marta Welander, RRDPO Oral Evidence 14th June 2017

⁴⁸ Written evidence British Red Cross

⁴⁹ Written evidence, the Migrants' Law Project

6. LOOKING AFTER CHILDREN

In this section of the Inquiry report we aim to address what the situation is today for the children who get to the UK. Our intention is not to duplicate work done, most ably, by others but to illustrate the reality for children right now. By necessity it means that we will have to leave out some of the excellent work being done by local authorities, police, voluntary sector organisations, volunteers and lawyers across the UK and focus instead on the gaps that still need urgent attention. The Inquiry is alive to the fact that there was a lot of negative media coverage at the time of the first Dubs children arriving in the UK. We can't avoid the possibility that the slurs and suggestions that these were adults and not children has influenced many in the community but this needs to be countered by real stories and leadership at all levels, including local authorities, to once again energize and promote our global reputation for excellence in child protection. We also heard from a witness who was in Calais at the time that there was a genuine error made that a family was taken on the coach with the children going to the UK, again highlighting the problems of process at the time which could have led to incorrect reporting. Lessons should be learned from that experience. Anne Longfield, The Children's Commissioner for England told the Inquiry that:

"... actually if you've been travelling for months – possibly drugged, possibly living by yourself – then actually you've been hiding all your vulnerabilities which makes you seem older by normal behaviour. If you are safe then what you find (is) that kids revert back and start behaving in an age-appropriate way. So if you're 16 and the last thing you're going to do is show you're vulnerable because someone can pick on it then actually you're going act with bravado and try to make yourself look as old as possible and that will all come out once you're safe."⁵⁰

LOCAL AUTHORITIES AND THE CAPACITY TO TAKE CHILDREN

The Inquiry recognises the huge budget pressures facing local authorities and pays tribute to the heroic achievements of social work staff working under extremely difficult circumstances. However, the Inquiry chose to look at how the care system was functioning to underpin the Dubs scheme and received evidence from a wide range of sources, including local authorities themselves.

The Government is currently under legal challenge on its claim that more children could not be transferred from Europe under the Dubs scheme because our local authorities do not have capacity to take more children.⁵¹ The Government's claim has also been criticised from many directions with the Government having to admit in April this year that it had not counted all the 'spaces' offered by local authorities at the time it made the original claim of 200. It has also come to light that local authorities who did offer placements (accommodation) and whose placements were not taken up has left an air of confusion about how and why decisions are being made to halt the Dubs scheme when so many children are still in need. Neither Northern Ireland nor Scotland was included in the Government's calculations and decision. In May this year the journalist Mark Wilding published a feature in Vice magazine⁵² that exposed the Government's failure to count all offers made by local authorities obtained through his Freedom of Information requests. Mr Wilding has generously given us permission to use his data and it is included at the end of this report. There is a need for the Government to be more open and transparent about how it came to its conclusion that the Dubs scheme should be curtailed but more importantly

⁵⁰ Oral evidence from Anne Longfield OBE, The Children's Commissioner for England 21st June 2017

⁵¹ Legal Challenge in the High Court, started 20th June 2017, brought by Help Refugees <https://www.leighday.co.uk/News/News-2017/June-2017/High-Court-hears-challenge-to-Governments-closure>

⁵² Local Authorities offered to take thousands more children. 11th May 2017 https://www.vice.com/en_uk/article/z4jz94/vice-exclusive-local-councils-offered-to-take-thousands-more-refugee-children

a new, invigorated process should be undertaken urgently to bring together a UK wide approach to accept more children under the Dubs scheme that involves greater co-ordination with a much wider group of professionals, including legal services and charities both in the UK and in France. The Dubs scheme is a vital lifeline for separated children in desperate need of safety and the UK should feel pride and a sense of honour that we offer sanctuary to those who need it most. The Children's Commissioner for England told the Inquiry it was the "noble thing"⁵³ to do and also suggested that there is a role for the UK Government to put pressure on other European countries, especially France, to improve safeguarding. The Commissioner also suggested that she thought there is the potential for the UK to lead an international exercise on identifying where children are at risk with other EU Members States, UN and NGO partners.⁵⁴ The Inquiry team would welcome an initiative like this which seems long overdue.

FOSTER CARE AND SPECIALIST SUPPORT FOR DUBS CHILDREN

What has also become clear through our evidence is that there has been a huge interest by ordinary members of the public noted by our witnesses who genuinely wanted to help refugee children coming to the UK under the Dubs scheme. This sentiment could be powerfully harnessed to increase registrations for foster carers, befrienders and volunteers but there appears to be no appetite or co-ordination by central Government to do so. We were told by one witness that she was aware of a private person in the south of England who had offered "180 spaces kids from Calais, social workers, teachers, and healthcare officials and full funding to run it under the Dubs but it was just ignored and 'they' said they were just organising it with councils. There is a lot of things which are resurfacing with

people wanting to help and the government not wanting to hear these offers". There are clearly resources implications including providing support for foster care placements; education, health services and practical support to assimilate children into the community. There are laws and procedures in place to ensure that children without a parent or legal guardian in the UK remain in the care of the local authority but we were told that "a significant number of local authorities have claimed they lack fostering places to take in unaccompanied minors"⁵⁵ but that the Home Office funding model for local authorities is in part to blame. From the London Borough of Hackney we heard that "The Home Office grant does not cover the actual costs of support, and finding placements adds to the existing pressure we share with other local authorities, of finding suitable foster placements for looked after children."⁵⁶ However, even with those pressures in 2016 Hackney council offered to take children under Section 67 of the Immigration Act (the Dubs scheme) but their offer and assistance has not yet been taken up.⁵⁷ Home for Good, a UK charity assisting local authorities to find foster carers said to us that, "The Home Office pays a local authority a standard rate for every asylum seeking child in their care. In our experience most local authorities will say this payment will not go far enough" and "On multiple occasions Home for Good has presented local authorities with potential foster carers for asylum seeking children to be told that unless the individual would agree to foster a non-asylum seeking child then they wouldn't assist them. This contributes to the lack of foster homes for asylum seeking children."⁵⁸

⁵³ Anne Longfield OBE, The Children's Commissioner for England 21st June 2017

⁵⁴ Anne Longfield OBE, The Children's Commissioner for England 21st June 2017

⁵⁵ Home for Good Written Evidence

⁵⁶ London Borough of Hackney Written Evidence

⁵⁷ London Borough of Hackney Written Evidence

⁵⁸ Home for Good Written Evidence

NORTHERN IRELAND

The Inquiry received Information from a number of sources that said that Northern Ireland was not included in the Government's numbers of potential placements for children under Section 67 of the Immigration Act (the Dubs scheme) and has not been included in the wider government National Transfer Scheme of local authorities who accept children dispersed from areas of high arrivals. An answer to a Parliamentary Question in March 2017 suggests that the Home Office may have been in discussions with the Northern Ireland Executive but the Inquiry is not aware of any further details:

*We are working to extend the transfer provisions in the Immigration Act 2016 to the devolved administrations by the draft affirmative procedure. Building upon Northern Ireland's positive contribution to the Syrian Vulnerable Persons Resettlement scheme the Home Office continues to be in contact with the Northern Ireland Executive at ministerial and official level including discussions regarding unaccompanied asylum seeking children. We remain open to any offers of NTS places from the relevant authorities in the devolved administrations however no unaccompanied asylum-seeking children have been resettled in Northern Ireland under section 67 of the Immigration Act 2016 yet.*⁵⁹

In particular we noted the comment from the Law Centre of Northern Ireland [LCNI] that "LCNI is of the opinion that Northern Ireland has capacity within the social care system to effectively meet the needs of separated children. The experience we have shows that separated children in Northern Ireland receive high quality care."⁶⁰ And also from Barnardo's Northern Ireland "that Northern Ireland is in a prime position to accept additional unaccompanied children from Europe."⁶¹

According to evidence received from LCNI there is now a safe reception centre for all unaccompanied children which has capacity for 8 -10 children and a second residential centre in case there is an increase and a planned progression to foster care. Of particular interest to the Inquiry is that the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 which provides for the introduction of an independent legal guardian for all separated children in NI although we note there has been a delay in rolling it out. Both LCNI and Barnardo's viewed the comprehensive approach to safeguarding unaccompanied children developed in Northern Ireland by local authorities and the voluntary sector, and the recent NI experience of the Syrian Vulnerable Persons Resettlement Scheme as an asset that could be on offer now to children waiting to be re-settled in the UK. Northern Ireland is also in the unique position of being able to offer a single response from the competent authority as unaccompanied and separated children in NI fall under the jurisdiction of the Northern Ireland Department of Health. This is a Northern Ireland-wide body that could co-ordinate the relevant Health and Social Care Trusts to deliver a robust and consistent service. The Inquiry understands that the wider community supported the Syrian resettlement scheme in Northern Ireland and there is a desire to continue to support vulnerable refugees.⁶²

"I have been fostering a boy who came across from Calais on the back of a lorry. He is almost 18 now and will be leaving me shortly. I want to foster another unaccompanied minor but my local authority is not accepting any more refugees at the moment."
Foster carer, Midlands.⁶³

⁵⁹ HC Deb 7 March 2017 PQ 66977

⁶⁰ Law Centre for Northern Ireland Written Evidence

⁶¹ Barnardo's NI Written Evidence

⁶² Barnardo's NI Written Evidence

⁶³ Home for Good Written Evidence

“Totally gutted by our local social services’ response to this. We’ve been initially approved and about to start the long process of clearance etc., only to be told in no uncertain terms that it is not financially worthwhile to approve us if we are only prepared to accept unaccompanied minor refugees for fostering. Process has stopped.” – Person Interested in becoming a foster carer, Northern England.⁶⁴

“On April 26th [2017], the Home Office also announced they had miscalculated the declared capacity of local authorities due to an “administrative error”, and that 130 more children would have spaces available in England. This came at a time when approximately 200 young people were back in the Calais region, after the camp in Dunkirk had been devastated by a fire and its 120 unaccompanied children dispersed, at a time when over 1400 unaccompanied children were being housed in detention in Greece, and hundreds of lone children were being rescued by the coastguard in the Mediterranean every week, as well as one year since the Dubs Amendment had been passed, yet only 200 children transferred. Of the 280 empty places available, none have yet been filled since the demolition of the Calais camp. To our knowledge, no children have been formally identified by the Home Office, the French authorities or the UNHCR to date.”⁶⁵

NATIONAL TRANSFER SCHEME

The Inquiry received a number of comments regarding the National Transfer Scheme, in particular the unravelling of the best interests’ principle where the NTS is being used to move vulnerable separated children newly arrived in the UK from one local authority to another. The Immigration Act 2016 contains powers to direct local authorities to take responsibility from other local authorities for unaccompanied children seeking asylum in the UK.⁶⁶ The stated aim is ensure that the responsibility for supporting these children does not fall to a small number of local authorities (such as Kent, Croydon and Hillingdon) and is more evenly shared across the country. In practice this has been enabled through a voluntary interim transfer protocol in place since 1 July 2016, so the powers to direct local authorities have not yet needed to be used.⁶⁷ The transfer protocol can be triggered when the number of unaccompanied asylum-seeking and refugee children under the age of 18 in a local authority area (the entry authority) reaches more than 0.07% of the area’s child population. Then the local authority can request a child is transferred to another local authority. If areas in the rest of the entry authority’s region are under the 0.07% ceiling then a transfer should be made within that region, if not the transfer should take place outside the region. For the purposes of the transfer protocol, Kent is treated as a region on its own.⁶⁸

⁶⁴ Home for Good Written Evidence

⁶⁵ Help Refugees Written Evidence

⁶⁶ Immigration Act 2016, sections 69-73

⁶⁷ Department for Education, Home Office, Deent for Communities and Local Government, Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children, 1 July 2016 partmhttps://www.gov.uk/government/uploads/system/uploads/attachment_data/file/534258/Interim_National_UASC_transfer_protocol.pdf

⁶⁸ Coram Children’s Legal Centre Written Evidence

The interim protocol states that ‘where children are settled and established in a local authority area, that local authority may make the decision that it is not in the best interests of the child for them to be moved’.⁶⁹ The EU Select Committee has urged the Government to ensure that, in practice, decisions to disperse unaccompanied migrant children are made only in the best interests of the child, and take into account the facilities available in the destination local authority.⁷⁰

The Inquiry heard that the system for transfer is essentially a clearing house system like university placements where the choice of next placement is determined by the Secretary of State, and not the local authority currently looking after the child. Several of our witnesses described how the National Transfer Scheme was actively working against the child’s best interests. We understand that neither local nor central Government are under any obligation to ensure that suitable facilities such as the provision of legal services exist in the local authority area where the child is being transferred to. It appears that both in policy and in practice the National Transfer Scheme does not hold up to scrutiny on the best interest principle and given the vulnerability and risk to this cohort of children this is a grave concern. However we also heard concerns that intelligence held by different agencies, including the Home Office, about specific trafficking risks would not necessarily follow the child through the NTS process or reach the local authority and this presents a major risk to the child.⁷¹

‘I’ve had a client who’s been with a foster carer for three and a half months and then they tell him they’re going to transfer him and he says ‘I really don’t want to, I’m really settled, I’ve got this church youth group’ etc. They say the decision has been made, there’s no documentation about the decision or a care plan. He goes to school, he comes home and was

told his placement had terminated and he had to go to social services. Social services had a taxi waiting to take him to another local authority. He refuses to go and they try to involve the police. In the end the transfer didn’t proceed because of a court order. They didn’t send him back to his foster carers (but) a different one. He is 15.’⁷²

“The UK’s response towards young people at risk in Europe has been incomprehensible, shameful and neglectful. It has more resources and facilities than many other countries and a child protection network that is extensive, and indeed, there is also a wide network of people who are willing to be foster carers. It also has the capacity, and capabilities to make such a project work.”⁷³

‘There are no UK officials present in Calais that have interacted in any way with the children here’.⁷⁴

“With the closure of the Jungle obviously almost all children were shipped by coaches to these centres without resistance. They saw some hope, thought they’d be taken care of, either to go through the family reunification process or through other legal routes. Obviously a lot of them had heard about the Dubs scheme and thought they would have a chance to be transferred and there was a lot of hope but a lot of question marks as well because the communication between the French authorities and refugees and even between government and aid organisations was abysmal and minimal which was a huge problem. Many of them only stayed for a few weeks or months because they soon realised that nothing was really happening and they weren’t getting any information and above all the lack of information and communication in this whole situation is a key part of the problem.

⁶⁹ The interim protocol further states: ‘This decision will take in to account the child’s best interests alongside other considerations - this may include but not necessarily be limited to: medical treatment, family ties, legal representation and advocacy, education, ethnic group, religion and continuity of care.’

⁷⁰ <http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rightscommittee/news/evidence-session-on-legal-aid-inquiry-231013/>

⁷¹ East Midlands Strategic Partnership Written Evidence

⁷² Shu Shin Luh, Garden Court Chambers, Oral evidence 22nd June 2017

⁷³ Athens Volunteers and Information Coordination Group Written Evidence

⁷⁴ Help Refugees Written Evidence

It aggravates every single issue that we are dealing with. The fact that nothing is being communicated, people are not being treated as beneficiaries of services or as potential asylum applicants as they hopefully will be one day, they are being dealt with as a security threat or criminals even the children, so I think the approach is just detrimental. Some of the children said ‘ten of the guys were allowed to apply through the home office but the rest of us were left’ without any information about why they weren’t invited, no indication as to whether or not they would be processed or not, so some of them then decided to leave because they felt that ‘we’ve been waiting here in limbo for a long time, they don’t seem to be willing to communicate with us so we had better take matters into our own hands’. And that again comes back to that risk of smuggling, trafficking and exploitation. Again I can’t emphasise enough the key issue of information and communication failures here. Had the children been informed ‘ok we are processing these 10 and in two weeks we’ll be processing x, y & z’ I think it’s highly likely that the children will have held on. This is just our interpretation of what we’ve been told. But when there is no information and they are just being policed and not being dealt with by any social workers then it is no wonder that they will escape and join the charities who will talk to them, who communicate who have interpreters instead.”⁷⁵

“We have only managed to have any communication with the Home Office or any other UK officials after intervention from the office of the Anti-Slavery Commissioner, the Children’s Commissioner, several politicians and the media.”⁷⁶

“There are ‘legal advice deserts’ in the UK created by a combination of changes to the legal system and legal aid cuts dating to 2012. These changes have left separated young people vulnerable.”⁷⁷

NEEDS ASSESSMENTS

The Inquiry also heard that under Dublin III transfers of children for family reunification there is a lack of information on the child before they arrive in the UK because planning is poor and needs assessments are not conducted in advance which look at, amongst other things, the viability and sustainability of family placements. If placements break down then the local authority will need to take up responsibility to care for the child.⁷⁸ Similar issues were also raised with other witnesses who said they would like to see more comprehensive data, including any trafficking or exploitation risks, and details on the environment where the child was living passed on to the local authority prior to the child’s arrival so that they could develop the appropriate safeguarding plans.

LEGAL REPRESENTATION AND LEGAL ADVICE

The Inquiry received evidence from a number of witnesses regarding the problems associated with the current Legal Aid system and the provision of high quality legal aid lawyers across the country.⁷⁹ This has a significant impact on children’s access to justice and the right to be heard. Every separated child should have immediate access to a legal representative and from the evidence we received this this is not happening.

LAW ENFORCEMENT

Human trafficking and people smuggling both require effective cross-border police co-operation. We did not set out to look closely at law enforcement co-operation as part of the remit of the Inquiry but numerous practical difficulties for engaging with police on child protection matters in places like Calais were brought to our attention.

⁷⁵ Marta Welander, Director, The Refugee Rights Data Project. Oral Evidence 14th June 2017

⁷⁶ Help Refugees Written Evidence

⁷⁷ The Children’s Society, Written evidence

⁷⁸ Shu Shin Luh, Kathryn Cronin on behalf of Garden Court Chambers Written Evidence.

⁷⁹ ILPA, Islington Law Centre, Garden Court Chambers, Coram Children’s Legal Centre Written Evidence

Annie Gavrilesco, the Northern France Regional Manager for Help Refugees, told the Inquiry that:

“... I had photos of British plated cars which were quite flashy ... I have given all that information to the NCA and they’ve told me unfortunately there’s not very much we can do but I can escalate it to Interpol or Europol but that’s it. I was asking for some kind of intervention and all of these instances were escalated to the French authorities as well and there’s a massive disconnect between the French and the British authorities and I think there is an almost borderline deliberate choice by the British authorities to not communicate with the French ones because it’s quite convenient that it’s ‘over there’ and the French mandate is to not intervene. It’s just convenient. But that leads to all of these children remaining in extreme vulnerability to those who wished to exploit them, without any intervention from authorities on either side of the Channel.”⁸⁰

We also heard from Cristina Gavrilovic, the Kent and Essex Police Anti-Trafficking Coordinator who told the Inquiry that:

“These camps are seen as refugee camps... they’re not looked at (in terms of) the real actual offences. And because they’re not looked at in that view, the response is not the right response. That’s where the law enforcement and the intelligence gathering and the data sharing and the process of safeguarding and whatever else you want to put in place is missing because it’s an immigration matter, just feed them and keep them in the camp or try and disperse them. It’s not anything else.”⁸¹

This was a theme also picked up by Kevin Hyland, the Independent Anti-Trafficking Commissioner who told the Inquiry that:

“.. if you talk about it as serious and organised crime everybody starts to get it and develop a bit of responsibility. So I think the language we use about this and if we say, ‘these are children who are vulnerable to the exploitation by serious and organised criminals’ then you suddenly realise that there needs to be a response and focus in on that as opposed to an immigration issue.”⁸²

The Chief Inspector of Borders David Bolt told the Inquiry that that he would be looking specifically at UK Border Force operations juxtaposed controls⁸³ in the near future and will also be taking forward a separate piece of work on safeguarding children in the Autumn. We welcome this news. The role of UK officials located at border points is especially important for early identification and safeguarding of trafficked children, and more generally of all separated children. The Chief Inspector also advised that the criminal investigation function doesn’t sit in Border Force, it sits in Immigration Enforcement so for there to be an investigation, the criminal investigation team have to be presented first with the start of an investigation by Border Force.⁸⁴ So it appears that it is essential that Border officials located in France and Belgium are more actively engaged in safeguarding children policy and partnerships that may go well beyond what they do already.

The Inquiry believes that there is much room for improvement in the sharing of information and co-ordination of all law enforcement and cross border co-operation in the prevention and pursuit of those who seek to abuse and exploit children on both sides of the border. For UK law enforcement at all levels the conversation on children must be shifted from being seen solely as an immigration matter to being a matter of child safeguarding and organised crime.

⁸⁰ Annie Gavrilesco. Help Refugees 21st June 2017

⁸¹ Cristina Gavrilovic. Kent and Essex Police Anti-Trafficking Coordinator 21st June 2017

⁸² Kevin Hyland, The Independent Anti-Slavery Commissioner 22nd June 2017

⁸³ Including the Ports of Calais and Dunkirk

⁸⁴ David Bolt, Chief Inspector of Borders 22nd June 2017

7. DUBS OR DUBLIN?

The Inquiry looked at UK obligations under the Dublin Treaty⁸⁵ together with Section 67 of the Immigration Act, 2016, more commonly known as the Dubs Amendment.

“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 a specified number of unaccompanied refugee children from other countries in Europe.”⁸⁶

Section 67 came about after hard fought campaigning from organisations and across all sides of parliament to introduce the transfer of large numbers of separated children already in Europe as a result of the mass movement of migrants arriving in Greece and Italy. The campaign was driven by Lord Alf Dubs, who himself was refugee child who arrived in the UK in 1939 as a six-year-old refugee fleeing the persecution of Jews in Nazi-occupied Czechoslovakia.

‘Dublin’ is the name given to a European Union law, Regulation (EU) No 604/2013 and is also referred to as Dublin III. The Dublin regulation sets out rules for deciding on which EU country should process a claim for asylum. Generally, that’s the first country the asylum seeker enters, but there are exceptions where he or she has relatives living elsewhere. It means that unaccompanied refugee children in Europe with a qualifying family member in the UK have a legal route to apply to be reunited with their family members. The Inquiry understands that further talks are underway to once again revise obligations, a possible Dublin IV.

However, in the current crisis, where large groups of children from different backgrounds are living in dangerous and chaotic situations, people often talk about both Dublin III and Dubs together or interchangeably because it is not until

children are registered and appropriately interviewed that it’s possible to identify if they qualify for the Dublin III rule; or whether they would qualify for Dubs scheme. However, evidence to the Inquiry has suggested that the narrowly interpreted criteria for both Dublin III and Dubs potentially fail many more children who are also desperately in need of care and are falling through the gaps.

THE DUBS SCHEME

On 16 December 2016, the High Court granted Help Refugees a declaration confirming the NGO’s interpretation of the Dubs Amendment: the Dubs Amendment is a new duty owed to those unaccompanied children who are not already entitled to relocation under EU law. The Government has said that it will invite referrals from France, Greece and Italy, and that it will be up to those countries to decide which children to transfer. The countries will be asked to consider those children who are more likely to be granted asylum status in the UK, and the most vulnerable (i.e. those at a high risk of trafficking, sexual exploitation and survivors of torture). However, the Inquiry team are very concerned that the capacity is simply not there to assess children and the framework for assessing vulnerability does not go far enough and, in particular, has not overtly recognised different manifestations of trafficking including criminal exploitation and the sexual abuse of boys and sex for survival which the Inquiry heard was a significant problem in and around the migrant encampments. In February 2017 the Government announced it would only take 380 children in total under the Dubs scheme, including 200 children already transferred. This number is far less than the estimated 3,000 children discussed during parliamentary debates.

⁸⁵ European Parliament Regulation No. 604/2013; sometimes the Dublin III Regulation

⁸⁶ Immigration Act 2016, Section 67

Since the first wave of “Dubs” arrivals, which happened quite swiftly after the Calais camp was cleared, there is no indication that any system of administration is functioning to support children’s best interests. There is a lack of information and almost no access to advice for children in Europe, no common understanding of who is responsible for conducting registrations or assessments of Dubs children up to the standard that would be required for child safeguarding in the UK and virtually no co-ordination between the Home Office, local authorities and with the NGOs on the ground which hold data on children. More importantly the collapse of any functioning State child protection system in places like Calais and Dunkirk and the limitations of the French CAOMIE ‘welcome centres’ mean that Dubs registration can’t take place because there is no single safe place where children can go and been seen by a trusted official, lawyers or social workers, with interpreters who are trained in the UK procedures for transfer and where children can feel free to talk.

One of the most significant problems brought to our attention is that the UK Government imposed a rule on the qualifying criteria on the Dubs scheme that only children who had arrived in Europe before the EU Turkey deal on 20 March 2016 will be considered, leaving the majority of children in Greece ineligible and discriminating against many more children who are now in danger. **The Inquiry recommends that the eligibility rule be immediately changed to reflect the current situation.**

It is abundantly clear that the UK can and should take many more children under the Dubs scheme but the Government’s administration and co-ordination must be improved significantly so children are not left waiting for months, or left with no documents, placing them in danger and at risk of smugglers and traffickers. However, what is most important is that we don’t try to shoehorn children into silos to fit our unwieldy and often brutally bureaucratic

systems. We need to build a system to fit the needs of vulnerable children. There is a very strong case to send a well-resourced team of British officials back to Calais to work in collaboration with organisations which have direct knowledge of the children in order to register and process children’s cases without delay. This should work for children in either the Dubs or Dublin III streams so that the system works around the child’s needs and not the other way around. The Home Office must still be holding a significant amount of data on children from the original period of registration prior to the Jungle camp clearance. **The Inquiry would like the Government to be more transparent about how this data is being handled and shared with police and other relevant agencies responsible for safeguarding children.**

DUBLIN III

The Inquiry received a substantial amount of evidence that the system of properly assessing children’s eligibility for family reunion under Dublin III is hampered by the current chaotic situation in areas of Europe with high numbers of migrant arrivals. The Inquiry heard from the Immigration Law Practitioners Association that the UK’s support for Dublin III has focussed on its obligations under the “take back” provisions which push refugees rather than the “take charge” provisions under which children be transferred to the UK.⁸⁷ By taking this approach the UK is not proactive and does not take any investigative role and this can lead to children being rejected on the basis of poor quality information and lack of legal advice.⁸⁸ Of the children we met in Calais, all claimed they had a family member in the UK but children’s knowledge of their family circumstances is often very limited and a rushed assessment with no appropriate adult or legal advisor could prejudice the child’s application for family reunion. Evidence we received from different organisations and lawyers also presented a picture of a system that may

⁸⁷ ILPA Written Evidence

⁸⁸ Islington Law Centre Written evidence

have been appropriate once, but is failing to adjust to the crisis facing children in Europe as a result of the chaotic mass movement of migrants in recent years where children are living in fear, have had documents lost or stolen and who are suffering high levels of trauma. We understand there are Home Office officials located in so called 'Dublin units' in Greece but none of our witnesses who had information from Greece had contact with them. The office to apply for a Dublin III application has been moved away from Calais and children would have to travel to get there on their own.

The Inquiry recommends the Government expand the scope of the Dubs scheme in partnership with organisations currently working with children. The Dubs criteria must be renewed to reach out to all those children who desperately need help and the Inquiry encourages the Government to ensure that the Dublin III arrangements meet safeguarding standards, including reducing the time children must wait which is simply cruel and dangerous.

There is an urgent need for the Government to take action to open up fast, safe and legal routes for separated children to come to the UK. However, there is a further need to look beyond the immediate weeks and months ahead. The Independent Anti-Slavery Commissioner told the Inquiry that:

"We need to come up with a different approach entirely. We need to say that Dublin III and Dubs were developed for a different situation and we need to see what the solution needs to be now. How are we going to deal with that high risk to children who are in Europe – not just in Calais but on a bigger scale. We have said we will take the 3000 people being relocated from the areas where this is happening (from Syria) and I fully support that but we still have to accept that there is up to 160,000 unaccompanied minors

*in Europe and if we take our responsibility seriously we need to look at this. We want to be able to stop the criminals and we want to take away the vulnerability, we need to look at the whole process in a much clearer view. So what you're saying is exactly right and we need to have a partnership of NGOs as a start and then we need to almost say, we will design – if we have some really high risk children there who don't fit within either (Dublin III / Dubs) as long as it's in their interest – because actually if they've got nobody here (in the UK) then Dublin III doesn't work for them, if they haven't been in Europe by the 20th March and they haven't been in Calais by whatever the other date is. That could be a 13yr old girl."*⁸⁹

CHALLENGES: EXPERIENCES TOLD TO THE INQUIRY

*"We have had to supplement the completely incapable and under-resourced and over worked child protection system in Calais right now by hiring our own social worker.... Hiring our own native speaking interpreters.... We have a child protection team because the state is not doing it. This is UNHCR protection officers who are mandated by the state and through the Ministry of Justice in France to deal with the situation. They are also the same people who have to formally identify Dubs children... and we've seen zero signs of that. They are the people that the Home Office refer to as well."*⁹⁰

"Our lists were taken but when it came to managing how they processed that it went into chaos... the children were sent to the CAOs and then the wait began ... we have emails from Terre d'Asile who said 'we can't do it (assess for Dubs scheme) because we don't understand the system.'" ⁹¹

⁸⁹ Kevin Hyland, Anti-Slavery Commissioner Evidence 22nd June 2017

⁹⁰ Annie Gavrilescu, Northern France Regional Manager, Help Refugees Oral Evidence 21st June 2017

⁹¹ Liz Clegg Oral Evidence 21st June 2017

“There are many obstacles which impede or prevent unaccompanied children from exercising their rights to family reunification under the provisions of Dublin III, including, but not limited to: lack of identification of children who may be entitled to family reunification; lack of information, and information at an appropriate level, being provided regarding family reunification; a system that does not work quickly and transparently; the failure of states to properly discharge their investigatory duties; the need for private actors to be involved in providing information, practical and legal support to children in order to achieve the object of family reunion; and delays within the process.”⁹²

“Whilst it is doubtful that all of the 1500 children relocated from Calais to CAOMI around France had sufficient connection with the UK for transfer under Dublin, nor met the Dubs criteria, the lack of information, and the way in which refusals were communicated appears to have created a push away from French reception facilities, and legal routes, back to insecure and dangerous attempts to travel to the UK. One call to our advice line at the end of 2016 concerned a separated child who was concerned about paying off debts he had accrued in Calais to complete his journey to the UK.”⁹³

“Across our frontline practice in Leeds, Birmingham and London, we have supported young people and families who have been subject to inadequate assessment procedures, when the young people arrived as part of the Dublin III regulations.”⁹⁴

“The criteria for unaccompanied boys under the Dubs Amendment was initially restricted by nationality to Sudanese and Syrian children, especially under 15. That however deemed ineligible the vast majority of children, including hundreds of Afghan boys, some as young as 8, Eritrean boys fleeing forced conscription and Ethiopian and Oromo boys fleeing endemic violence. After months of campaigning and the legal challenge on the implementation of the Amendment hanging over the Home Office, the criteria were changed on March 14th 2017, AFTER the closure of the scheme in February. The second criteria were finally, as we had always asked, vulnerability-led rather than nationality-based. However, this would only be applicable to the then 150 remaining places, as the Home Office’s cap stated.”⁹⁵

“Currently, the Dublin route is not implemented to a standard that allows children to be protected. The processes are too slow, complex and inaccessible for children to use them efficiently. The delays mean that children are left vulnerable in refugee camps or even less stable accommodation, often for months at a time, instead of being reunited with their family members who are in safe locations.”⁹⁶

“Our experience of representing unaccompanied children in France is that generally, social workers, ad hoc administrators/guardians and local authority children’s accommodation centres appear to have little or no information to support them in helping eligible children in their care to access Dublin III family union provisions.”⁹⁷

⁹² The Migrants’ Law Project Written Evidence;
⁹³ Coram Children’s Legal Centre Written Evidence
⁹⁴ The Children’s Society Written Evidence

⁹⁵ Help Refugees Written Evidence
⁹⁶ British Red Cross Written Evidence
⁹⁷ The Migrants’ Law Project Written Evidence

“Of the volunteers in France who contacted our advice line, many raised concerns about the lack of information available to children with family in the UK about the Dublin procedure, and the use of a ‘Dublin-style’ procedure to deal with final camp clearance in 2016 which left children in limbo, either unaware of the outcome of their claim, or lacking in an adequate explanation as to why their request to transfer to the UK was refused. Appeals against refusals of transfer were directed to the French government. The Home Office has informed the Refugee Children’s Consortium that refusals were most likely due to being unable to contact family members, or through relatives stating they were unable to care for children in the UK. The imposition of restrictive criteria on the ‘Dubs’ amendment, and a lack of understanding among children and volunteers about the nature of the entitlement under the act, also led a number of children to anticipate they would be eligible to travel to the UK and raised expectations. One CAOMI volunteer told us that of 23 children moved to the centre, only three were transferred to the UK, leaving the others extremely distressed and resulting in a number deciding to leave the accommodation centre.”⁹⁸

“A 14-year-old Iraqi Kurdish boy, living in Grande Synthe camp, claims his father is in the UK but that he has not heard any news regarding his Dublin case. He left the CAOMIE and went back to Northern France, trying to cross to the UK himself, jumping on lorries every night. He spoke perfect English and was hoping to go to school and then university.”¹⁰¹

“Almost all of the children I met – so I’ve met about six in the two weeks I was there and my colleagues saw others as well and certainly all of them had a family member somewhere else in the EU. One of them had an uncle in the UK and we’re still trying to get hold of all the documents to show. One of the difficulties with sibling cases is showing ‘sib-ship’. It’s easier with parental relationships with children - we’ve only had one of those cases with a parent in Germany and a child in Greece. That’s a bit easier if you have a birth certificate and he had a birth certificate so we just made the request. But sib-ship cases are harder because how do you show in a massive Eritrean family that someone is related to another person? Uncle and nephew relationships are also harder. So one of the difficulties and barriers to reunion under Dublin III is not so much whether or not there is a family member but first of all whether the family member – what status they have – and also can you show the relationship? That’s the most challenging part of Dublin III reunion.”⁹⁹

“Two children were assessed under Dublin, one claiming to have a brother, the other an aunt. The Home Office contacted their families in the UK, including an assessment of their living condition and financial situation. The family provided documentation requested by the Home Office, including proof of contacts being made with the children, phone bills, etc. Both cases were refused. The children were not given a refusal letter, or a reason as to why their cases were refused. The children asked the accommodation manager for an update and were told their case was refused. One of the children told us that he was very frustrated, and had left the CAOMIE in southern France to come back to Calais to cross illegally.”¹⁰⁰

⁹⁸ Coram Children’s Legal Centre Written Evidence

⁹⁹ Shu Shin Luh 22nd June 2017

¹⁰⁰ British Red Cross Written evidence

¹⁰¹ British Red Cross Written evidence

8. THE SITUATION IN EUROPE 2017- EVIDENCE RECEIVED

The Inquiry team were not able to visit all locations we have named in the report and have therefore relied on the testimony of others. The Inquiry heard from people with recent and very direct experience with separated children in Northern France and Greece. We are extremely grateful to the organisations and individuals supporting children and young people across Europe for providing their information to the Inquiry at such short notice. The situation for separated children in Europe has changed for the worse since the Government introduced the Dubs Amendment (Section 67 of the Immigration Act, 2016) over a year ago. The influx of new arrivals in Greece and Italy has overwhelmed the official structures, the demolition of the Calais Jungle camp in October 2016 and the destruction by fire of the Dunkirk camp in April 2017 have removed the few places where children gathered and where they could be seen by volunteers, aid organisations and medics. The camps were not safe and conditions were dreadful but they were places where organisations could monitor children, register new children in the area and provide basic care, legal support, friendship and hope. The Inquiry recognises that there are high level discussions in Europe concerning the migrant crisis that might result in future agreements however the Inquiry believes there is an opportunity right now for the British Government to take a lead on the identification and safeguarding of separated children across Europe.

NORTHERN FRANCE

The Calais Mayor and Prefecture policy of 'no tolerance' has directly impacted on the reduction in the number of humanitarian organisations present in the region which can support displaced children. The increased use of French riot police to 'move on' homeless children and young people and push them away from Calais has also

impacted on the ability of volunteers to deliver emergency support or outreach. Many organisations who might work in refugee crisis situations outside Europe do not have a legal right to work in France¹⁰² and must be invited by the French Government to do so. This has not happened. Only a very small number of international organisations are still providing outreach, largely with British volunteers. Volunteers across the region are also being subject to negative tactics deployed by local authorities and police as their actions to support the migrants are seen to flout the no tolerance policy. The Inquiry team heard the frustrations of volunteers and staff in Calais and agree with their comments that the British authorities need to take urgent action as so many of the Calais and Dunkirk children are waiting to be re-united with family members in the UK. In February this year, in a written statement to Parliament, the Home Office Immigration Minister Robert Goodwill said that:

*"...Over 200 of those children met the published criteria for section 67 of the Immigration Act. The remainder were transferred under an accelerated process based on the family reunion criteria of the Dublin Regulation. This was a one-off process, based on the principles of the Dublin framework but operated outside of it, and was implemented in response to the unique circumstances of the Calais camp clearance. All children not transferred to the UK are in the care of the French authorities."*¹⁰³

The information given to the Inquiry team in Calais is that a large number of children who were in the official and informal encampments at the time of the Jungle clearance are not in the care of the French authorities and that there has been little or no follow up by the British authorities to identify whether they are now in the UK, whether they are safe in care or destitute and living on the streets of Calais or whether they have

¹⁰² UNHCR evidence given in Calais

¹⁰³ HC Deb 8 February 2017, HCWS467

been trafficked. The Inquiry heard that the eviction of the camp was chaotic and unsafe for children with children queuing for hours to register, some with injuries sustained from crushes in the rush. There was insufficient accommodation for children during the eviction process.¹⁰⁴

We heard from Annie Gavrilesco, Northern France Regional Manager, Help Refugees who told us that:

“We have had to supplement the completely incapable and under-resourced and over worked child protection system in Calais right now by hiring our own social worker.... Hiring our own native speaking interpreters.... We have a child protection team because the state is not doing it. This is UNHCR protection officers who are mandated by the state and through the Ministry of Justice in France to deal with the situation. They are also the same people who have to formally identify Dubs children... and we’ve seen zero signs of that. They are the people that the Home Office refer to as well.”¹⁰⁵

Ms Gavrilesco also informed us that her colleagues have a lot of concerns about child trafficking but they have no formal avenues to pass the information on to authorities in UK or in France.

“There is nobody we can talk to about what’s happening right now in France. In fact, the anti-trafficking team that I was talking about earlier no longer has funding since the end of April. There is no anti-trafficking body in Northern France right now that we can speak to and there is nobody that the anti-trafficking bodies in the UK can speak to either because they don’t come to us. So yes, any kind of agreement or communication channel would be absolutely life-saving and I cannot stress that enough. Absolutely life-saving. We have so much information and we are begging for somebody to give it to for somebody to act.”¹⁰⁶

After the destruction of the camps in Northern France, many children were transferred to centres around the rest of France known as CAOMIEs.¹⁰⁷ Some were as far away as the Spanish border.¹⁰⁸ Many children were/are confused about the outcome of the earlier process which took place at the CAOMIEs – one matter raised persistently with the British Red Cross staff in their visit to Calais and Dunkirk in March this year was the lack of a ‘refusal letter’ [from the UK] or an explanation given to the children and their families. Without such correspondence, children did not know about an appeal process. For some children in CAOMIEs, the refusal news was simply announced by the CAOMIE management. In most cases, children had to contact their families to deliver the refusal news.¹⁰⁹ We are concerned that even now children have lost faith and trust in the British authorities because of a lack of information and unacceptable waiting times. The Inquiry team heard repeatedly about the lack of Home Office collaboration with NGOs working in the camps yet it was the NGOs who were forced to step in due to the chaos caused when the children who were left behind did not know what was going on. Liz Clegg, a British volunteer and charity worker who was working in the Calais Jungle camp told us:

“Prior to the coaches, the Home Office provided buses and brought children from the camp and directly to the UK.... They admitted that they didn’t know what they were doing. UNHCR and the Home Office did not manage it. We stepped in.” and also “This is why it’s so tragic that the NGOs in the camp were never included nor consulted. We had that relationship and had those disclosures from children... and yet we were excluded and blocked from being able to take a formal route”.¹¹⁰

¹⁰⁴ Save the Children Written Evidence

¹⁰⁵ Annie Gavrilesco, Help Refugees 21st June 2017

¹⁰⁶ Annie Gavrilesco, Help Refugees 21st June 2017

¹⁰⁷ Le Centre d’accueil des mineurs isolés demandeurs d’asile

¹⁰⁸ Refugee Youth Service

¹⁰⁹ British Red Cross Written Evidence

¹¹⁰ Liz Clegg, MEENA Centre Birmingham, and formerly Unofficial Women and Children’s Centre in Calais ‘Jungle’ camp. 21st June 2017

The Refugee Youth Service, a voluntary group operating in Calais before and after the Jungle camp clearance reported that

“The Dublin III Regulation and the Dubs Amendment to the U.K. Immigration Act, could have been effective legal tools to transfer minors legally to the U.K. However interminable waits for legal process to conclude left children feeling hopeless for their case and as though they needed to regain control of their own situation through trying to cross to the U.K. informally to reunite themselves with family. The Dubs Amendment was not enacted in practice until the dying days of the camp’s life. Even in this case, the process was unclear and selection for transfer was ad-hoc and clearly not adhering to due process.”¹¹¹

The Inquiry team met a 16 year old Afghan boy in Calais at a drop in day centre who said that he had been beaten on the legs by the police the night before when they found him sleeping in the bushes and had just met the volunteers for the first time. When asked why he did not stay at the CAOMIE he said that he went but he was abused there, they had no separate place to pray, had no halal food and he was not able to eat anything. He also had experienced racist abuse so he left and was now trying to get to the UK on the lorries to be reunited with family. He just wanted to go to school and to play football. We also heard of children not wanting to stay in the centres because they were getting no legal support to help with their cases for family reunification in the UK and that the French staff had no information for them. The lack of legal advice is deeply concerning. If there are no safe and legal routes by which to travel, then children feel they have no choice but to risk the dangerous journey in lorries arranged by smugglers or try it on their own risking their life. Children have no faith in the French justice system and are tired of waiting for the British authorities.

A number of witnesses, including young people themselves, told us about the importance of the mobile phones that are often given to children by support organisations – the phones are of course a way to stay in touch with family and friends but more than that they are a lifeline to the volunteers and lawyers if they have been moved on by authorities or are in danger, the phones can act as a tracking device to children who have gone missing, presumed trafficked. Their phones are often the only way to store important identity or legal case records or to access information. It is deeply troubling to hear that part of the tactics for disruption by the French authorities is to remove, or smash the phones.

GREECE

The Inquiry took evidence from two British lawyers who had both recently returned from volunteering in the migrant camps in Greece. We heard that *“most people don’t see a lawyer until they’ve had an [immigration] decision and they are appealing and legal advice and assistance is only available to certain nationalities as well because they prioritise certain nationalities and that changes every so often and you don’t know why it changes but they have their priorities depending on the whim of the day”*.¹¹² Evidence from both lawyers, taken separately, confirmed the existence of informal squats, run by gangs, which have become places to gather to be with familiar cultural groups, have familiar food with and speak in same language. In Greece unaccompanied children under 14 years are supposed to get access to a legal guardian, but many of the children fear that if they register they will be prevented from reuniting with family in other parts of Europe. If they do register the wait for a guardian can be months and older children end up in squats.

¹¹¹ Refugee Youth Service Somebody’s Child: Resilience against the odds. Report 2017

¹¹² Shu Shin Luh 22nd June 2017

Once asylum is claimed the child will be detained. In Greece the maximum length of time for detention of a minor is 25 days but we heard there is one known case of a 15 year old Pakistani boy who has been in detention for 1 year and 3 months following registration. The Inquiry heard that there are Home Office officials based at the 'Dublin unit' in Athens but we were unable to find out any more about their current work to reunite children with families in the UK or facilitate transfers through the Dubs scheme. The sexual abuse of boys and girls was reported to us from several witnesses. We heard that adolescents, made up of around 90% teenage boys, engage in 'survival sex' to pay smugglers for onward passage and this behaviour occurs hand in hand with violence and exploitation. The smugglers tend to be Greek nationals or from Balkan criminal rings. There are examples of such behaviour in reception centres such as in Kos but there is a reluctance of boys to talk about it mainly due to cultural taboos, shame and stigma so it is mostly inferred due to other behaviours or visible physical injury which is otherwise unexplained.

The Inquiry was dismayed to learn that the Greek authorities are routinely using x-rays on children to determine age. The use of x-rays for age assessments is both an abuse of the child and inaccurate and is not allowed in the UK for this purpose. As there is no appeal process it has significant consequences, including being refused suitable accommodation, access to assistance and potentially being recorded as an adult with a wrong date of birth on European data systems accessed by the UK immigration authorities and police. The emotional and psychological impact of not being believed by authorities feeds into the traffickers' narrative of not trusting the authorities.

GREECE

The Greek Government and NGOs, whilst trying their best to cope, are not prepared for such extreme crisis management situations and indeed, in our opinion, they do not have the capacity or capability to deal with the overall situation, never mind the situation with the unaccompanied minors. The provision of care for the thousands of unaccompanied minors is inconsistent. Recently in Athens, three of the unaccompanied minor shelters were closed down due to lack of funding. Many of the unaccompanied minors were left to fend for themselves and are now homeless and living on the streets, vulnerable to trafficking, smuggling and exploitation.

"We've been told that the Home Office has two officers based in the Dublin unit. I haven't met them yet. And the problem with family reunion cases is that you will have disclosed at the full registration, 'I have a family member in Germany' or 'I have a family member in the UK' or an uncle, spouse - whatever - and no one knows what happens with them. The disclosure of information - that should itself trigger the process under Dublin - but it doesn't. So when they come to us they're close to the deadline for the request. You've got three months to make the request. Or if they're out of time to make the request, we make reps anyway to ask the Dublin unit to make a request for taking charge."¹¹³

"... there is no adequate accommodation for families - a lot of them are in squats - the Greek state is collapsed and so there are a lot of empty buildings which are squats run by quasi gangs and there are quite strict regulations on squats so we can't go into the squats without asking for permission and there is security around the squats. It is all a bit of an anarchical situation in the context of an 'organised state'. There's frequent firebombing attacks and what's different from what I've been told by people who have been to both Calais and Kios is the

¹¹³ Shu Shin Luh 22nd June 2017

sexual exploitation around the camps in Kios. There's less of that in Calais but there's a lot more abuse and sexual exploitation by guards at the camps, by locals in Greece."¹¹⁴

There are many situations of unaccompanied minors taking the journey out of Greece into their own hands, either via boats to Italy or to Serbia, or in collaboration with a smuggler to fly out of Greece with fake travel documents. In Greece, unaccompanied minors are supposed to be housed in facilities specific for that population. However, because the shelters for unaccompanied Minors are at capacity in Greece, the majority of unaccompanied are living at the many camps with single men from ages 18 and upward. In some of the worst camps in Greece, unaccompanied minors are often befriended by the older men and are often drinking with them, smoking with them, and going with them to the centre of Athens to "hang out." Several unaccompanied minors have shared with volunteers, confidentially, that they have engaged in "survival sex" with older Greek men because they need money to pay their mobile bills each month and for spending money. The unaccompanied minors in Greece do not receive a monthly stipend like the over 18s. Therefore, unless their families send them money from their home country (which is unrealistic as their families in their home country are waiting for these young boys to send them money) then they are left without funds and they resort to desperate measures to secure funds.¹¹⁵

"So in Greece they have a division of 14 and under and 14 and above. 14 and under unaccompanied you get a guardian – it's a prosecutor but it's still a guardian - and you get a lawyer and we've had to work quite closely with them to do interview prep because they do supervise the situation and they usually are in accommodation that has support on site

- a kitchen on site, law clinic on site, social worker on site so it's quite a wraparound system if you can get into one of those accommodations and then there's 16 - 21 year olds - that organisation does a similar thing but you don't get guardians so to be frank in Athens you walk around and you can see quite young teenage boys just walking around doing nothing. A lot of them are afraid to register - as with in Calais – and they think that if they don't register they can somehow get across the border. And it's a difficult thing to grapple with because I understand why they feel this way but you can't access any services, subsistence, accommodation, anything from the Greek state and it takes months to register so they just end up in limbo."¹¹⁶

"And also when I was talking to one of the Greek lawyers there that the guardians often have 100 to 150 cases so they have no time for any of these kids. The caseloads are extraordinary and not all children have accommodation even though they have a guardian. So they may be in squats with adults, you know. Older teenagers especially – the 15/16/17yr olds will be living in squats and on the streets. There are women only squats, young men only squats but it's still a bit of a lottery system."¹¹⁷

"There is a high percentage of smugglers in Greece. Children choose such a route because of and no adequate alternative care. They live in squats where there are tensions between communities and a high degree of violence. Police tend to leave them alone but when they do intervene it is with a disproportionate amount of violence. (The) consequence is that this leads to an increase in poor mental health and there is only 1 psychiatrist per island. Around 2000 people – half are in squats and detention centres etc. Before the EU Turkey deal there were about 400 processed and

¹¹⁴ Shu Shin Luh 22nd June 2017

¹¹⁵ Athens Volunteers Information and Coordination Group

¹¹⁶ Shu Shin Luh 22nd June 2017

¹¹⁷ Shu Shin Luh 22nd June 2017

then after only rose to 900 – which is not enough. NGOs feel hopeless and are on the brink of leaving because of a lack of funding. Age assessments are done via dental or sometimes bone x-ray. Originally birth certificates were accepted as proof of age but then withdrawn. If a child states they are an adult then the registration process is meant to be halted and the proper process for registration of a child undertaken but this doesn't always happen or can be delayed for 3 - 4 months and the child is placed with adult men. There is a vacuum where there is no monitoring of human rights.”¹¹⁸

“Children are often encouraged to say they are adults in order to get processed and avoid being age assessed. Children are often ignored by the authorities if they declare themselves as minors. There is difficulty with languages, lack of adequate interpreters. This could mean a child has evidence but is unable to communicate this to the authorities particularly if their language is considered to be rare. There is no possibility of having the required interview as there is no interpreter. The violence against children is constant and this facilitates the smuggler.”¹¹⁹

FRANCE

“They are in a violent situation in France and they know they have friends and or family in the UK they know they want to go there and they will do what they can to get there. Increased information, goodwill and communication will help address the situation and for the authorities to stop treating them like criminals and see this as a child protection issue. The partners on the ground are saying the same and saying if Britain is keen to remove pull factors they should also stop creating a huge push factor in Calais. The sustained police violence that is partly funded by Britain is pushing kids across the Channel.”¹²⁰

“The children I interviewed told me they did not want to stay in France, and they did not trust the French authorities to keep them safe. A number of children told me the French police had sprayed tear gas into the camp, including while they were sleeping, and they found this frightening. The children also disclosed that they had been threatened with physical violence and had been attacked by a man in the “Jungle” wielding a knife, causing injury to their hand. Other men in the camp threaten to burn down tents.”¹²¹

“Our experience is that it is extremely difficult for the overwhelming majority of unaccompanied children seeking family reunion to access appropriate legal advice to do so.”¹²²

ITALY

Eritrean unaccompanied children were one of the largest groups with 3832 arrivals in 2016. This group mainly formed of boys from 14 -17 years old, although increasing numbers of younger boys and girls were observed among the arrivals in 2015. Most were Christian Tigrinyans from remote Southern areas. There was a mixture of backgrounds – some impoverished, some middle class and educated. Many families were already in Europe. Many were fleeing because of enforced military service. The journey was extremely long, across Ethiopia, Sudan and Libya at a cost of \$5,500 - \$6,000 USD. During the journey Eritrean children and adolescents were in some cases sold and detained by traffickers, criminal gangs and police, some reporting torture and sexual violence. Many children arrived in Italy with physical signs of abuse, skin diseases and infections. Most Eritreans move on quickly from Italy.¹²³

¹¹⁸ Volunteer British Lawyer 14th June 2017

¹¹⁹ Volunteer British Lawyer 14th June 2017

¹²⁰ Refugee Rights Data Project

¹²¹ Jacinta Kane Independent Social Worker 22nd June 2017

¹²² Migrants' Law Project Written Evidence

¹²³ Save the Children Written Evidence

Egyptian children arriving in Italy are increasingly young (14-16 years with an increase in younger children of 12-13 years). Most migrant children had a very low level of education with many cases of illiteracy. In Rome, Egyptian boys were forced to work 12 hours a day, seven days a week washing cars earning around 2 Euro an hour. Employers often refused to pay them for weeks claiming that they had to complete an apprenticeship first. In some cases they became victims of sexual abuse or involved in illegal activities.¹²⁴

SERBIA

Social workers have provided reports from the children that, while in a camp, unaccompanied minors were housed with aggressive adults who were fighting and drinking, and doing “other things” which the boys would not discuss. The boys stated they did not wish to stay there and subsequently left.¹²⁵

In Serbia, one dedicated volunteer interviewed 12 unaccompanied Afghan refugee boys aged 7 -13 years old, living in the abandoned buildings in Central Belgrade known as the Barracks. She videotaped these discussions, with their permission. Her findings, in summary, are as follows:

- All stated they were headed for London, usually because the Taliban had tried to stop them going to school, and tried to enlist them into the Taliban, sometimes in order to train them as suicide bombers. They wanted to go to London because they had heard it was a safe country, had seen pictures of England, and wanted to go to school in England and get a good education.

- The usual route was described as via Pakistan, Iran, Turkey, Macedonia and Bulgaria. All had been travelling for months, and had made numerous attempts to cross into Hungary, some having run out of money as a result.
- They described beatings by police in four countries namely, Iran, Macedonia Bulgaria and Hungary.
- They describe being tazered on the abdomen, inside police stations for their money. They describe police dogs being permitted to attack them. Some showed the volunteer injuries on their limbs consistent with dog bites.
- Most described being shot at by Iranian police. One child described small children aged 7 and 8 years old being shot dead as he ran beside them, their blood splashing on to his t-shirt.
- Most described being forced to sit in the snow in their underwear in midwinter for several hours, while having water poured on them. They also described having their money torn up, their phones smashed, their clothes and shoes removed, and being forced in this state to walk through icy rivers and back across borders for many hours to the nearest village, where villagers helped them.
- The volunteer advises that they refused to be registered and taken into camps, as they were aware of other children who had been taken to open camps, then closed camps, then deported back to Macedonia. Their parents also did not want this involvement with authorities.¹²⁶

¹²⁴ Save the Children Written Evidence

¹²⁵ Athens Volunteers Information and Co-ordination Group

¹²⁶ Athens Volunteers Information and Co-ordination Group

9. JUNE 2017

The situation for separated children in Europe is changing all the time. Urgent action is needed and without a meaningful commitment from the UK Government to put properly supported teams on the ground in France and elsewhere to facilitate the registration and transfer of children, our local authorities, police and immigration officials are at risk of being disconnected from the risks to vulnerable children who are making their way to the UK by whatever means they can.

On 12th June 2017 the official French Human Rights Ombudsman, Human Rights Defender, Jacques Toubon visited Calais with a team of his officials. Mr Toubon's statement to the press said:

"The desire to stop having migrants visible in Calais means that no form of shelter will be tolerated: people - between 500 and 600 according to information corroborated by several associations - including minors, are sleeping on the ground, regardless of weather conditions, only at times with a sleeping bag given by the associations. They say they are being hunted day and night in several undergrowths of the city. Migrants can no longer sleep, or even sit and rest, and remain constantly on the alert. They are visibly in a state of physical and mental exhaustion.

As all water points have been terminated, migrants cannot wash or even drink. Washing and drinking water is their principal demand.

While the Administrative Court of Lille considered on March 22, 2017 that the ban on the distribution of meals by the associations constituted inhuman or degrading treatment, only one distribution is being tolerated in the evening for an hour, which is not enough to feed all those who wished. The others are prevented by the security forces on the grounds of "instructions from

the prefecture", regardless of who is concerned (families, young children). One association conducts mobile distributions, seeking to gain access to exiles who no longer dare to visit the distribution sites, for fear of being questioned. For a week now, because a priest has openly opposed the presence of the police on the forecourt of his church, a distribution can take place every lunchtime.

Women, who no longer have any dedicated facilities since the dismantling of the Jules Ferry Center in the "Jungle", are at risk of rape and sexual exploitation. Some women have small children and babies, and several babies are to be born in the coming weeks. No reception or accommodation facilities seem to them to be accessible even though post-natal care and child protection matters would require such provision.

Among the unaccompanied children present, some are new arrivals to Europe, others come back from CAOMIs (Centres of Accommodation and Orientation for Unaccompanied Minors) with the persistent idea of going to Britain. They report the same treatment. In the evening and at night, access to state child protection services requires going to the police station, which makes the procedure particularly dissuasive.

When attempting to implement measures that should be implemented by the public authorities (showers, meals and water distribution), associations are hindered and threatened: the control of vehicles parked in front of NGO premises, to imposing restrictive norms on the kitchen of an association active for a very long time in Calais, threats of prosecution for assisting undocumented people. The Human Rights Defender is also investigating the obstacles that associations and minors have suffered in accessing the shower system set up until May by Secours Catholique.

It is also difficult for these associations to advise migrants on their rights and access to justice. In this respect, the Ombudsman regrets that departures to the CAOs (Accommodation and Orientation Centres) from Calais are no longer organized, as it is no longer possible to lodge an asylum application in the city, but only through the prefecture in Lille.

While reiterating his general recommendations, in particular with regard to minors (statement and report released on 20th April 2016), the Defender of Rights is asking for the end of the hunting game against migrants, the permission of meal distributions, and the immediate protection and accommodation of children, the setting up of a place respite centre, where people can rest and consider their options in their migratory journey.”

On the 22nd June 2017 in answer to a House of Lords Parliamentary Question, the Home Office Minister in the Lords, Baroness Williams of Trafford persisted in answering that children not transferred to the UK from the Jungle clearance are in the care of the French authorities despite overwhelming evidence to suggest that is not the case. The Minister also claimed that:

“On 10 March, the Government published the basis on which further transfers to the UK under section 67 of the Immigration Act 2016 will be made. The Government has invited referrals of eligible children from France, Italy and Greece. The UK Government will not be involved in the identification or assessment of children.

Under Article 8 of the Dublin III Regulation, children can have their asylum claims transferred to another EU Member State where they have close family. We continue to work closely with the French authorities and other EU partners to ensure the timely and efficient operation of the Dublin III Regulation.”¹²⁷

The Inquiry has had no information to explain what the Government means by “inviting referrals” for the Dubs scheme or exactly who is accountable in Government for the co-ordination of the swift processing and transfer if, as the Minister says, the Government are not involved in the identification and assessment of vulnerable children in urgent need of support. It raises questions of who is involved? How is it being coordinated? And who is responsible when it goes wrong?

On 27th June 2017, the Administrative Tribunal of Lille ruled in favour of a legal claim by the organisation Help Refugees with the support of other French organisations¹²⁸ and the Human Rights Defender, Mr Toubon. The City authorities (Mayor’s Office, Prefecture and Conseil Departamental) were ordered to provide the following within ten days or face fines:

- showers, toilets and potable (drinking) water within reachable distance
- reinforced daily state outreach for unaccompanied minors to access protection
- departures to CAOs (accommodation centres) for refugees in Calais
- food will still have to be provided by associations in the region but distributions should not be hindered

A respite and accommodation centre cannot be opened in Calais however, and no mention was made in relation to allegations of state violence. The judge remarked specifically that children did not have sufficient access to information, which has deterred them from entering protection. At the time of writing this report the case was still open to appeal from the Calais authorities to the Supreme Court.¹²⁹

¹²⁷ HL138

¹²⁸ L’auberge des migrants international and the other associations Secours Catholique – Caritas France, Utopia 56, Le Réveil Voyageur, Ligue des droits de l’Homme, Salam, Cabane juridique Calais, Plateforme Service aux Migrants, La Cimade, Care4Calais & Gynécologie Sans Frontières

¹²⁹ Help Refugees Calais Case update <http://helprefugees.org.uk/calais-court-case-update/>

10. CONCLUSIONS & RECOMMENDATIONS

Protecting children on the move is not just an immigration issue but also a matter of child protection and preventing serious and organised crime. The UK must play its part in safeguarding the children and young people who are currently left without adequate protection and support in Europe.

A key aspect of this is ensuring that there are legal routes to safety, including to the UK, which young people can access. The European Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims is clear about how the trafficking of children can be prevented and their best interests protected, and all EU countries should work together to deliver those standards of protection. Evidence given to the Inquiry revealed serious shortcomings in delivering the standards outlined in the directive. We hope that the recommendations below show that protecting these children from the exploitation and physical abuse which currently is their daily experience can be achieved.

1. The overwhelming evidence of violence inflicted by the French authorities and the police on children is one of the more shocking findings of this inquiry, whether it be the indiscriminate use of truncheons or the tear gassing of children and their sleeping bags. The UK must work with our European counterparts to ensure that in all cases safeguarding processes are prioritised, the rights of the child and the child's best interests are upheld.
2. The British Government must ensure that any so called 'security measures', funded by the British Taxpayer, including outside of its own borders, operate in conformity with child protection and human rights principles and that in no cases are we contributing financially or otherwise toward physical or mental violence towards children.
3. The 'Dubs scheme', or Section 67 of the Immigration Act, needs to be open to children in practice and more children need to be included. This will require expanding the criteria so that it doesn't exclude vulnerable children due to their age or nationality, and a revised cut off date (we are clear that the scheme is not the pull factor which ministers have claimed). Most urgent is quick and transparent processing of these applications. The administration of the Dubs scheme cannot be a solely London based exercise it requires multi-agency teams of specialists on the ground where most children are located, including Calais and Dunkirk to build confidence in safe routes and resistance to traffickers.
4. Children with relatives in the UK need faster, easy to access, visible processing under Dublin III by the UK authorities. Leaving children who have relations in Britain, even if these relations are uncles and aunts, without support and comfort is not acceptable. This needs end to end case management so that, once started, cases are concluded quickly without young people losing faith in the system. Doing so would build confidence in legal routes to UK and reduce the power of the smugglers and traffickers. As the "take charge" procedure for triggering Dublin cases is not working officials should work with voluntary agencies who have won the trust of these children to identify who has relatives to support them in the UK.

- 5.** The UK must ensure that young people in Europe know what their options are, and are able to access these options in practice, through official channels which are equipped to assist them in a way which respects them and builds trust. Without this, children and young people, including those who have travelled to the UK, go missing or enter exploitation. Where children have been registered or interviewed by a British official they must be given a letter to say what will happen next.
- 6.** The National Crime Agency and law enforcement agencies can do more to co-operate with child refugee support organisations and other European member states to offer ways of intelligence sharing and response. The excellent systems set up in the UK for sharing data on missing children should be used more effectively with this group of highly vulnerable children both in the UK and across Europe.
- 7.** There needs to be a specific targeted strategy to reach Vietnamese children in Europe who are destined for exploitation the UK. The need and urgency for this is demonstrated by the high numbers of Vietnamese children identified as trafficked through the UK's National Referral Mechanism. Vietnamese children arriving in the UK are more likely to be lost to official view and support than children of any other nationality.
- 8.** The damage caused to children by the 'culture of disbelief' in immigration processes and with age assessments is immense. Children's mental health problems, including complex PTSD, must be recognised in policy and practice by the Home Office as a reason why children struggle to provide a coherent narrative and get confused about details.
- 9.** All separated children should receive appropriate and specialist mental health support as part of their care plan in the UK. They should also have priority access to mental health support, whether that is through one-to-one professional psychological support or through the various therapeutic group sessions or social groups provided by NGOs.
- 10.** Young people arriving from Europe are vulnerable; they deserve to be treated as children and should receive wrap around support that meets their needs according to their best interests. The Inquiry considers that a system of guardianship for all separated children is urgently needed to ensure that children, including those with family links, have an independent voice to make certain their needs are being met. Children who have been reunited with families in the UK will in many cases continue to need practical, emotional and financial support for struggling families in order to prevent family breakdown and children going missing. An independent guardian appointed as early as possible would ensure that the child's best interest remains at the centre of all actions concerning them.

APPENDICES:

CALAIS COURT CASE UPDATE

Statement posted 28 June 2017 on Help Refugees' website

Yesterday afternoon, the Administrative Tribunal of Lille has ruled in favour of many of our demands in Calais. The City authorities (Mayor's Office, Prefecture and Conseil Departamental) were ordered to provide the following within ten days or face fines:

- showers, toilets and potable water within reachable distance
- reinforced daily state outreach for unaccompanied minors to access protection
- departures to CAOs (accommodation centres) for refugees in Calais
- food will still have to be provided by associations in the region but distributions should not be hindered

A respite and accommodation centre cannot be opened in Calais however, and no mention was made in relation to allegations of state violence. The judge remarked that minors specifically did not have sufficient access to information, which has deterred them from entering protection.

The City authorities will have to report on their progress within 15 days, and the report will be sent to the Defender of Human Rights who has stood on the side of refugees and NGOs demanding the protection of their rights.

While this ruling is more favourable to us and the other 11 organisations who were acting on behalf of the hundreds of homeless refugees in the area, the city authorities are likely to appeal to the Conseil d'Etat, France's Administrative Supreme Court.

Special thanks to our brilliant lawyers, who have been on our side for a long time fighting for refugees' rights – Julie Bonnier and Lionel Crusoe, our invaluable partners L'auberge des migrants international and the other associations Secours Catholique – Caritas France, Utopia 56, Le Réveil Voyageur, Ligue des droits de l'Homme, Salam, Cabane juridique Calais, Plateforme Service aux Migrants, La Cimade, Care4Calais & Gynécologie Sans Frontières, thank you!

<http://helprefugees.org.uk/calais-court-case-update/>

APPENDICES:

Freedom of Information requests to local authorities with detailing offers of support for Unaccompanied Asylum Seeking Children. Statement by Mark Wilding, freelance journalist

To whom it may concern,

I am a freelance journalist and a regular contributor to publications including VICE and the Guardian. In March 2017 I submitted Freedom of Information requests to every upper-tier local authority in the country, seeking details of the number of Unaccompanied Asylum Seeking Children (UASCs) they had offered to support. A copy of the questions submitted is attached.

This work was prompted by the government's decision to close down the Dubs scheme for UASCs in February 2017, after support was offered to 350 children. At the time, immigration minister Robert Goodwill made statements suggesting that lack of capacity among local authorities was a key factor in the decision. I was aware of contradictory statements made by local authorities claiming that their offers to support UASCs had not been accepted and decided further investigation was warranted.

By early May 2017 I had received responses from more than 80% of local authorities. Findings included:

- Four out of five councils had agreed to participate in the National Transfer Scheme (which sees UASCs relocated from their point of arrival to help ensure the burden of supporting these children is shared equally).
- Half of all councils which responded had voluntarily agreed to a commitment to support a number of UASCs equivalent to 0.07% of their total child population.
- In total, councils had made offers to support 1,572 children which had not yet been taken up by the government.
- A total of 868 children were being supported by local authorities in excess of their 0.07% commitment. Were these children to be relocated under the National Transfer Scheme, local authorities would still have unfilled capacity to support 704 more UASCs.
- Thousands of places for UASCs would be made available if the government was to make the 0.07% commitment mandatory.

These findings were published in an article for VICE on 11 May 2017. The Home Office was contacted for a response but declined to provide one due to the general election purdah period.

Since the article was published, additional local authority responses have been received which indicate additional capacity to support UASCs. The current data can be found in the attached spreadsheet.

If you require further information or clarification on any of the above, please don't hesitate to contact me.

Mark Wilding

12 June 2017

 @mark_wilding

APPENDICES:

Compiled Freedom of Information request responses from local authorities.
By Mark Wilding, freelance journalist

AREA	0.07% figure	Prepared to support	Current number	Spare capacity
Barking and Dagenham	42	28	28	0
Barnet	63	63	55	8
Barnsley Borough Council				
Bath and North East Somerset	23	23	13	10
Bedford Borough Council	26	26	27	-1
Bexley	39	39	37	2
Birmingham City Council	198	198	120	78
Blackburn with Darwen Borough	0	0	6	0
Blackpool	0	0	0	0
Blaenau Gwent County Borough	10	4	4	0
Bolton Borough Council	0	0	13	0
Bournemouth Borough Council	24	24	11	13
Bracknell Forest Borough Council				
Bradford City Council	93	93	14	79
Brent	52	52	76	-24
Bridgend County Borough Council		0	0	0
Brighton and Hove City Council				
Bristol City Council	65	75	65	10
Bromley	30	30	15	15
Buckinghamshire County Council	84	84	25	59
Bury Borough Council	0	0	12	0
Caerphilly County Borough Council				
Calderdale Borough Council	32	32	18	14
Cambridgeshire County Council	92	92	68	24
Camden	32	32	42	-10
Carmarthenshire County Council				
Central Bedfordshire Council	42	42	49	-7
Ceredigion County Council				
Cheshire East Council		18	18	0
Cheshire West and Chester Council	0	0	8	0
City & County of Swansea	32	3	3	0
City of London	10	10	1	9
City of York Council	26	26	4	22
Conwy County Borough Council				
Cornwall Council	73	9	9	0
Coventry City				
Croydon	69	69	390	-321
Cumbria County Council	0	0	4	0
Darlington Borough Council				

AREA

	0.07% figure	Prepared to support	Current number	Spare capacity
Derby City Council	41	7	7	0
Derbyshire County Council	106	106	28	78
Devon County Council	100	100	20	80
Doncaster Borough Council		11	11	0
Dorset County Council	54	54	15	39
Dudley Borough Council	47	2	2	0
Durham County Council	70	10	10	0
Ealing	57	57	42	15
East Riding of Yorkshire Council	44	7	7	0
East Sussex County Council	72	72	24	48
Enfield				
Essex County Council	204	204	109	95
Flintshire County Council		0		1
Gateshead Borough Council	26	16	10	6
Gloucestershire County Council				
Greenwich	46	46	20	26
Hackney	43	43	25	18
Halton Borough Council	0	0	3	0
Hammersmith and Fulham	24	24	37	-13
Hampshire County Council	200	73	73	0
Haringey				
Harrow	40	40	33	7
Hartlepool Borough Council	15	15	10	5
Havering	39	39	21	18
Herefordshire Council	25	25	8	17
Hertfordshire County Council	183	183	83	100
Hillingdon			87	
Hounslow	43	43	40	3
Hull City Council	39	39	18	21
Isle of Wight Council	18	18	5	13
Isles of Scilly	0	0	0	0
Islington		52	52	0
Kensington and Chelsea	19	19	21	-2
Kent County Council	231	231	504	-273
Kingston upon Thames	26	26	24	2
Kirklees Borough Council				
Knowsley	23	4	4	0
Lambeth	43	43	36	7
Lancashire County Council	0	0	10	0
Leeds City Council	112	112	47	65
Leicester City Council	62	50	20	30
Leicestershire County Council	95	26	26	0
Lewisham				

AREA	0.07% figure	Prepared to support	Current number	Spare capacity
Lincolnshire County Council	99	38	38	0
Liverpool City Council	0	0	27	0
Luton			35	
Manchester City Council	0	0	46	0
Medway Council	44		3	0
Merton	33	33	18	15
Middlesbrough Borough Council		6	6	0
Milton Keynes Council	46	46	38	8
Newcastle Upon Tyne City Council				
Newham	62	62	52	10
Norfolk County Council	117	17	17	0
North East Lincolnshire Council	28	28	9	19
North Lincolnshire Council	24	24	14	10
North Somerset Council	30	30	13	17
North Tyneside Borough Council		0	0	0
North West Region	1060	90		35
North Yorkshire County Council	92	Not specified	18	0
Northamptonshire County Council	112	112	230	-118
Northumberland County Council	41	4	4	0
Nottingham City Council	45	34	34	0
Nottinghamshire County Council	114	114	41	73
Oldham Borough Council	0	0	6	0
Oxfordshire County Council	99		50	20
Peterborough City Council	33	33	27	6
Plymouth City Council	35	35	11	24
Poole Borough Council	21	21	19	2
Portsmouth City Council	30	30	48	-18
Powys County Council		1	1	0
Reading Borough Council				
Redbridge	53	53	31	22
Redcar and Cleveland Borough	17	6	8	-2
Rhondda Cynon Taf County Borough Council				
Richmond upon Thames	31	31	25	6
Rochdale Borough Council	0	0	9	0
Rotherham Borough Council	39	39	5	34
Rutland County Council	5	5	4	1
Salford City Council	0	0	10	0
Sandwell Borough Council	54	30	25	5
Sefton Borough Council	0	4	4	0
Sheffield City Council	81	81	29	52
Shropshire Council	42	42	7	35
Slough Borough Council	28	13	13	0

AREA	0.07% figure	Prepared to support	Current number	Spare capacity
Solihull Borough Council	32	32	60	-28
Somerset County Council				
South Gloucestershire Council	38	38	12	26
South Tyneside Borough Council				
South West Region				
Southampton City				
Southend-on-Sea Borough Council	27	27	11	16
Southwark		Not specified	34	0
St Helens Borough Council	0	0	3	0
Staffordshire County Council	118	118	86	32
Stockport Borough Council	0	0	0	0
Stockton-on-Tees Borough Council	30	2	2	0
Stoke-on-Trent City Council	40	7	7	0
Suffolk County Council	106	106	70	36
Sunderland City Council	40	4	4	0
Surrey County Council	180	140	140	0
Sutton	32	32	26	6
Swindon Borough Council	34	21	21	0
Tameside Borough Council	0	0	5	0
Telford and Wrekin Borough Council	28	3	7	0
Thurrock Council	28	28	58	-30
Torbay Council	18	18	6	12
Torfaen County Borough	12	2	2	0
Tower Hamlets	45	45	29	16
Trafford Borough Council				
Wakefield City Council	48	23	23	0
Walsall Borough Council		22	7	15
Waltham Forest	41	56	51	5
Wandsworth	43	20	20	0
Warrington Borough Council	0	0	7	0
Warwickshire County Council	89	89	95	-6
West Berkshire Council	28	17	17	0
West Sussex County Council	119	119	82	37
Westminster	28	28	43	-15
Wigan Borough Council				
Wiltshire Council	70	23	23	0
Windsor and Maidenhead Borough	23	6	6	0
Wirral Borough Council	0	0	4	0
Wokingham Borough Council	26	26	11	15
Wolverhampton City Council	41	15	10	5
Worcestershire County Council	80	30	30	0
Wrexham County Borough Council	20	2	2	0
	7283	5030	4616	784

APPENDICES:

INQUIRY TERMS OF REFERENCE

The aim of the inquiry is to:-

- Assess the risk of trafficking and exploitation facing such unaccompanied and separated minors
- Assess the alleged 'pull factor' to the UK (the suggestion that a route to the UK encourages traffickers)
- Assess the ability and willingness of local authorities to accept more unaccompanied minors
- Examine what action is required to better protect children from the risks of trafficking and exploitation
- Examine the UK's response towards young people at risk in Europe who have sought refuge from countries in turmoil
- Assess the impact of current policy on these risks
- To make recommendations

APPENDICES:

WRITTEN EVIDENCE RECEIVED:

- Athens Volunteers Information and Coordination Subgroup
- Barnardos
- British Red Cross
- Coram Children's Legal Centre
- Coram – Kent
- Dunkirk Adult Learning
- East Midlands Strategic Migration Partnership
- East of England Local Government Association
- ECPAT UK
- Garden Court Chambers
- Greater Manchester Immigration Aid Unit
- Help Refugees
- Home for Good
- Immigration Law Practitioners' Association (ILPA)
- International Organisation for Migration (IOM)
- Jacinta Kane- Independent social worker
- Kent Refugee Action Network (KRAN)
- Law Centre Northern Ireland
- Local Government Association
- London Borough of Croydon Council
- London Borough of Hackney
- London Borough of Hammermith and Fulham, Royal Borough of Kensington and Chelsea and Westminster City Council
- Love 146
- Middlesex University
- Migrant Law Project
- Refugee Rights Data Project
- Save the Children
- The Children's Society
- The Jewish Council for Racial Equality
- UNHCR
- UNICEF

ORAL EVIDENCE RECEIVED:

- David Bolt - Independent Chief Inspector Borders and Immigration
- Liz Clegg - MEENA Centre Birmingham, and formerly Unofficial Women and Children's Centre in Calais 'Jungle' camp.
- Annie Gavrilesco - Help Refugees
- Cristina Gavrilovic - Kent and Essex Police Anti-Trafficking Co-ordinator
- Kevin Hyland - Independent Anti-Slavery Commissioner
- Jacinta Kane - Independent social worker
- Anne Longfield OBE - Children's Commissioner
- Shu Shin Luh - Garden Court Chambers
- Sheila Melzak - Baobab Centre
- Marta Welander - Refugee Rights Data Project

The inquiry team was also able to meet with young people in the UK and in Calais in sessions facilitated by Safe Passage as well as staff, interpreters and volunteers from Help Refugees, Safe Passage, the UNHCR and Refugee Youth Service

MEDICAL EVIDENCE RECEIVED:

- Dr Peter Green DMJ FFFLM (Fdn) FACLM FCLM
- Dr Barry Klaassen - Chief Medical Adviser, British Red Cross
- Public Health England



“The way that unaccompanied
refugee children are being
treated in Europe is a disgrace.
Governments must take action
to ensure their safety.”

LORD DUBS

Human

Trafficking

Foundation