

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Fifth Delegated Legislation Committee

## DRAFT TRANSFER OF RESPONSIBILITY FOR RELEVANT CHILDREN (EXTENSION TO WALES, SCOTLAND AND NORTHERN IRELAND) REGULATIONS 2017

*Tuesday 23 January 2018*

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**Saturday 27 January 2018**

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**The Committee consisted of the following Members:**

*Chair:* STEWART HOSIE

- |  |   |
|--|---|
| † Argar, Edward ( <i>Charnwood</i> ) (Con)   | † Mills, Nigel ( <i>Amber Valley</i> ) (Con)                                |
| † Campbell, Mr Ronnie ( <i>Blyth Valley</i> ) (Lab)                                | † Nokes, Caroline ( <i>Minister for Immigration</i> )                       |
| † Duddridge, James ( <i>Rochford and Southend East</i> )<br>(Con)                  | † Shuker, Mr Gavin ( <i>Luton South</i> ) (Lab/Co-op)                       |
| Eagle, Ms Angela ( <i>Wallasey</i> ) (Lab)   | Smith, Eleanor ( <i>Wolverhampton South West</i> ) (Lab)                    |
| † Elmore, Chris ( <i>Ogmore</i> ) (Lab)  | † Stephenson, Andrew ( <i>Lord Commissioner of Her Majesty's Treasury</i> ) |
| † Harris, Carolyn ( <i>Swansea East</i> ) (Lab)                                    | † Thomson, Ross ( <i>Aberdeen South</i> ) (Con)                             |
| † Heald, Sir Oliver ( <i>North East Hertfordshire</i> ) (Con)                      | † Warburton, David ( <i>Somerton and Frome</i> ) (Con)                      |
| † Hendrick, Sir Mark ( <i>Preston</i> ) (Lab/Co-op)                                |   |
| † Jones, Mr David ( <i>Clwyd West</i> ) (Con)                                      | Robert Cope, <i>Committee Clerk</i>   |
| † McDonald, Stuart C. ( <i>Cumbernauld, Kilsyth and Kirkintilloch East</i> ) (SNP) | † <b>attended the Committee</b>   |

## Fifth Delegated Legislation Committee

Tuesday 23 January 2018

[STUART HOSIE *in the Chair*]

### Draft Transfer of Responsibility for Relevant Children (Extension to Wales, Scotland and Northern Ireland) Regulations 2017

2.30 pm

**The Minister for Immigration (Caroline Nokes):** I beg to move,

That the Committee has considered the draft Transfer of Responsibility for Relevant Children (Extension to Wales, Scotland and Northern Ireland) Regulations 2017.

It is a pleasure to serve under your chairmanship, Mr Hosie. In introducing this secondary legislation the Government are seeking to extend the scope of the national transfer scheme to Wales, Scotland and Northern Ireland. The scheme, which was launched by the Government in July 2016, makes it easier for local authorities to transfer legal responsibility for unaccompanied asylum-seeking children to another participating local authority. It is designed to encourage a fairer distribution of unaccompanied children in local authorities across the UK, so that a small number of local authorities are no longer asked to look after a disproportionate number of unaccompanied children and safeguard the best interests of the children concerned.

The national transfer scheme is underpinned by provisions in part 5 of the Immigration Act 2016. Section 69 of that Act creates a mechanism in England to transfer responsibility for caring for unaccompanied children from one local authority to another local authority. Section 70 enables the Secretary of State to direct local authorities to provide information about their support to children in their care. Section 71 enables the Secretary of State to direct a local authority that refuses to comply with a request to accept an unaccompanied asylum-seeking child to supply written reasons explaining their refusal. Finally, section 72 enables the Secretary of State to require local authorities to co-operate in the transfer of unaccompanied children from one local authority to another.

Those provisions currently apply only to English local authorities, which means that local authorities in Wales and Scotland, and health and social care trusts in Northern Ireland, have not yet participated in the scheme. In extending the scope of the transfer provisions in the Act, the regulations provide the legal framework for local authorities in Wales, Scotland and Northern Ireland to accept transfers under the scheme.

I want to make it clear that the national transfer scheme was designed as a voluntary scheme, and we hope that local authorities in Scotland and Wales, and health and social care trusts in Northern Ireland, will feel able to participate. My officials have worked closely with their counterparts in the devolved Administrations and with local government associations in Scotland and

Wales to take account of the unique circumstances in each nation. As I have mentioned, there are provisions in the Act for the Secretary of State to mandate the scheme. The Government want the scheme to remain a collaborative effort between central, local and devolved government, and it is in that vein that we have worked with partners across the UK to develop proposals to extend the scheme.

The national transfer scheme has made significant progress since it was launched in July 2016, and we are extremely grateful for the support provided by local authorities that are looking after unaccompanied children. Until the end of September 2017, 555 unaccompanied children had successfully been transferred. That is a significant achievement, but there is more to do. There are more than 4,500 unaccompanied children in English local authorities, and a handful of local authorities continue to look after a disproportionate number. If we are to achieve a fairer distribution of caring responsibilities across the UK, we need local authorities from all parts of the country to be able to participate in the scheme so that all children can be afforded the best possible care and support.

We know that there is support for the national transfer scheme across the country, and that is why it is important for this legislation to come into force, so that we are able to build on the excellent work of local authorities in every part of the UK in caring for asylum-seeking and refugee children and ensure that the scheme is a truly national scheme.

2.34 pm

**Carolyn Harris** (Swansea East) (Lab): It is a pleasure to serve under your chairmanship, Mr Hosie. The Opposition welcome the measures, but it is no secret that we are not thrilled with the Government's attitude to refugees, particularly unaccompanied child refugees. Our major issues of contention centre on the Dubs amendment, which, despite receiving cross-party support, has been restrictive and has not been implemented in the spirit in which it was introduced. When safe and legal routes are blocked for those children, they are left with terrible choices that often involve people traffickers. Those children have been identified as the most vulnerable in the world, and often include girls who are susceptible to sex traffickers. A number of local authorities across Britain have repeatedly expressed their willingness to accept more child refugees, and every measure that allows them to do that is a positive step towards meeting our moral and legal responsibilities towards those children. The more councils that pitch in, the better. Local councils are of course the best placed to support refugees who arrive in the UK. These measures may assist, but they do not go far enough. The Government must do more to ensure that local authorities have the resources they need to meet their obligations.

2.35 pm

**Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is good to see you in the Chair, Mr Hosie. I congratulate the Minister on her recent appointment and wish her all the best. She takes up the immigration portfolio at an interesting time. It is good to be able to start on a positive note. The Scottish National party fully supports the statutory instrument

and it is good to see that there has been close partnership working with the Scottish Government on this. It is right that responsibility for unaccompanied asylum-seeking children is shared fairly around the constituent parts of the United Kingdom. A fair share of responsibility might be an argument we could turn to in a different context and the migration crisis more generally.

Will the Minister have a look at the Scottish Government's guardianship service for unaccompanied minors north of the border? Peer reviews have said that it has been successful and made a real difference to unaccompanied children, who have to deal with rules and legal challenges and issues. If she will have a look at that and see whether there is scope to roll it out in the rest of the United Kingdom, that would be a good first step in her new role.

2.36 pm

**Caroline Nokes:** I welcome the support from across the room for this change. We all acknowledge that it is an important principle that we should enable local authorities from across the devolved nations to play a part in the scheme. I thank both the hon. Members who spoke today. The issue of unaccompanied asylum seeking children has been debated many times in this place, and I know that it is a subject about which many of us feel very strongly.

We have a proven track record of offering sanctuary to those in need of protection, and our record in supporting children affected by conflict and persecution is no different. In the year ending September 2017, the UK granted asylum or another form of leave to almost 9,000 children and we have granted leave to nearly 49,000 children since 2010. As of September 2017, a total of 9,394 people had resettled in the UK under the vulnerable persons resettlement scheme.

The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East raised an important question about the guardianship scheme that is in operation in Scotland and asked whether we would consider looking at an

independent guardian for unaccompanied asylum seeking children in the rest of the United Kingdom. By virtue of being looked after, these children are provided with a professional social worker and an independent reviewing officer to oversee their care arrangements, as well as access to an independent advocate and visitor. All unaccompanied asylum seeking children in England are referred to the Refugee Council's children's panel, and they are also entitled to legal assistance in pursuing their asylum claim. We believe that those arrangements ensure that children are provided with the independent support and advice that they need, and we currently have no plans to introduce a guardianship scheme.

The Opposition spokesman, the hon. Member for Swansea East, raised the issue of funding. She will be aware that in 2016 we significantly increased the amount of funding available to local authorities to enable them to support these young people. It is important to emphasise that one of my predecessors as Minister for Immigration undertook that we would complete a review, and we are evaluating that now. We keep the issue uppermost in our minds, and I have had regular contact, even just in the past two weeks, with local authority leaders, the Local Government Association and the Convention of Scottish Local Authorities. They are not slow in making their views known to me.

I welcome the extension of the scheme. It plays an important part in our commitment to refugee children. Last week, as part of the UK-France treaty, we agreed to change the date to 18 January 2018—last Thursday—to enable us to fulfil our obligations under the Dubs amendment. I regard those children as very important. I want to see the 480 children we have committed to look after brought here. That will enable us to work more closely with France, Greece and Italy to fulfil our obligations and be proud that we have achieved that.

*Question put and agreed to.*

2.40 pm

*Committee rose.*

