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Rt Hon Julian Smith MP  
House of Commons  
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Thank you for your letter of 20 July on behalf of Ms Sara Trehitt of [REDACTED], about children and young people in the UK asylum process. I am sorry for the delay in my reply.

The Home Office takes its responsibility for the welfare of children very seriously and recognises the additional vulnerability of unaccompanied children. The best interests of the child are a primary consideration in every decision taken in respect of them. The routine detention of children for immigration purposes was ended in 2010. This was followed by the introduction, in March 2011, of a four-stage family returns process that placed the welfare of the child at the heart of the decision and returns process. Key parts of the family returns process were enshrined in the Immigration Act 2014.

It was made clear from the outset that it would remain necessary to hold families with children in the following limited circumstances:

- as a last resort, as part of an ensured return, which is the final stage of the four-stage family returns process; or
- on arrival at the border, while enquiries are made to decide whether they can be admitted to the country, or until the next available return flight if they are refused entry.

Detention is limited to 72 hours, which can be extended to a total of seven days in exceptional circumstances, with Ministerial authority.

In addition, unaccompanied children may only be detained in very exceptional circumstances, most usually pending alternative care arrangements being made, for very short periods of time, up to a maximum of 24 hours, in a short-term holding facility.

In recognition of their vulnerability, the Home Office will not return an unaccompanied child whose asylum claim has been refused to their country of origin, unless we are satisfied that there are suitable reception arrangements available. On turning 18, they will be expected to take steps to return to their country of origin or show that they qualify for further leave to remain. If an individual believes that they qualify for leave to remain in the UK, they will have an opportunity to make a further application for this. Any application will be carefully considered by the Home Office. Removal of former unaccompanied asylum seeking children (UASC) who have turned 18 years of age and have no legal basis to remain in the UK will only occur when we and the courts conclude that it is safe and reasonable to do so, with a safe route of return to their home countries. The alternative, of allowing anyone under the age of 18 entering the UK unaccompanied to remain here indefinitely, would undermine legitimate immigration control and may wrongly encourage more young people to make dangerous journeys, leaving their families and homes behind.

While UASC remain in the UK, local authorities have a statutory duty under child welfare legislation to ensure that they safeguard and promote the welfare of all children, regardless of their immigration status or nationality. On turning 18, provided they qualify as a care leaver and have been granted leave to remain in the UK or have an outstanding immigration application, they will continue to receive support from the local authority.

I would also like to assure your constituent that we are listening carefully to calls to extend family reunion and reflecting on recent Parliamentary debates on this important and complex issue. We are following the passage of the two Private Members Bills closely and continuing our productive discussions with partners. However, we are concerned that allowing children to sponsor parents would create incentives for more children to be encouraged, or even forced, to leave their family and risk dangerous journeys hoping to sponsor relatives later. I fully appreciate why people flee their country to avoid persecution, but we need to understand why people choose to travel here after reaching a safe country. The question of 'pull factor' is not easy to evidence, but we know that policy changes can have an impact on migration flows and we cannot ignore that. We have seen the effect of camps in Calais, and before that Sangatte, where people, many of whom are children, risk their lives trying to enter the UK illegally instead of claiming asylum in France. We must do all we can to encourage those fleeing persecution to claim in the first safe country they reach – that is the fastest route to safety – and must think carefully before making changes that risks putting more people in harm's way.



**Rt Hon Sajid Javid MP**