



HOUSE OF LORDS

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Inquiry on

UNACCOMPANIED MINORS IN THE EU

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Heard in Public

Questions 18 - 46

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10.30 am

Witnesses: Dr Ciara Smyth, Professor Ravi KS Kohli and Professor Heaven Crawley

Ms Kirsty McNeill and Ms Judith Dennis

Members present

Baroness Prashar (Chairman)
 Lord Condon
 Lord Cormack
 Lord Faulkner of Worcester
 Baroness Massey of Darwen
 Lord Morris of Handsworth
 Lord Ribeiro

Examination of Witnesses

Dr Ciara Smyth, Lecturer Above The Bar, National University of Ireland Galway, **Professor Ravi KS Kohli**, University of Bedfordshire, and **Professor Heaven Crawley**, Coventry University

Q18 The Chairman: Thank you very much for your time this morning. The session is open to the public and is being webcast live. You will be sent the transcript of what you say to us, and if you wish to change anything, please let us have your comments. If you wish to add anything to what you have already told us, that would also be helpful. It would be helpful if you introduced yourselves, and if you want to make any opening remarks, please do so.

Professor Ravi KS Kohli: My name is Ravi Kohli. I am professor of child welfare at the University of Bedfordshire. My interests over the past 20 years have been the welfare of unaccompanied asylum-seeking children, both in the UK and in other, principally European, nations. That interest runs right through, from reception to resettlement to return, so it covers the full spectrum of their trajectories.

I ought to begin by stating a major concern from my perspective on European work. I often see cases and instances where these children are not owned by the state receiving them. In effect, the message is that, yes, they are children, but they are not children. A lot of the gaps that arise in both policy and statute fall within that proposition. The sorts of responsibilities that one would take for one's own children are lacking in this instance.

Professor Heaven Crawley: Good morning. My name is Heaven Crawley. I am professor of international migration at the Centre for Trust, Peace and Social Relations at Coventry University. Like Professor Kohli, I have been working in this area for a very long time, certainly since the early 2000s, specifically on the situation of unaccompanied children. I come from a slightly different perspective; I am interested in the movement of children, the dynamics of that movement, and what happens to children when they come into contact with the asylum process: the way in which their claims are understood, how that information is

gathered, and what happens to them in the process of determining whether they are entitled to international protection. I am currently leading a major project looking at the movement of people into the countries of southern Europe: Turkey, Greece, Italy and Malta. We are not focusing specifically on children, but we have interviewed 500 refugees and migrants in those four locations over the past three or four months, and we certainly have evidence of some of the contemporary situations in the context of what we might call the current crisis.

Dr Ciara Smyth: My name is Ciara Smyth. I am a lecturer in law at the National University of Ireland Galway in the west of Ireland. My particular research interest is refugee law, in particular the common European asylum system and how it intersects with the rights of the child. I wrote a book on this in 2014. I have a particular policy interest in this area going back about 15 years. Last year, I was invited by the Irish Department of Justice to sit on a working group looking at the reform of the entire Irish protection procedure, including its treatment of separated children. I have also sat on the board of the Irish Refugee Council, and I formerly worked for the Office of the UNHCR as its special focal point in Dublin, dealing with separated children seeking asylum.

As an introductory comment, one of my key concerns is that although the area of unaccompanied minors has been subject to a lot of EU regulation, that regulation is quite fragmented. There are three basic categories of unaccompanied minors: those seeking protection; those who are victims of trafficking; and “other”, who we might describe as irregular unaccompanied migrants. Only in respect of the first two categories is there sufficient legislation and protection at the EU level. In respect of the third category, there are almost no protections. An unaccompanied minor who is not referred into the protection procedure, or who is not a victim of trafficking, or who is not identified as a victim of trafficking has no right under EU law to a guardian, to child protection systems or to a durable solution. This fragmentation of law is critical, and I would underscore it.

Q19 The Chairman: Thank you very much indeed. I will start by asking you about reliable data. The evidence that we have heard shows that there is no reliable data. What data is available on the numbers, age, gender, nationality and immigration routes of unaccompanied minors in the EU?

Professor Heaven Crawley: That question is part of what we have been looking at in the context of this wider research. You are absolutely right that there are problems and difficulties with the data. It is not exclusive to children, unaccompanied or otherwise. There are huge problems of fragmentation across different organisations that come into contact with people on the move, so even if you look on a very broad level at the difficulties between IOM and

UNHCR data, for example, it is problematic. My colleague, Nando Sigona, has highlighted issues of double and treble accounting sometimes at different borders as people make the crossing, which can also be a problem for services. Of course, this problem is amplified for unaccompanied children, partly because identification and registration processes for that group of children are highly variable across the different contexts into which these young people come.

There are also other issues, which we have identified through our research, that are perhaps worth highlighting. In our experience, some children are increasingly not prepared to say that they are children, because they think there might be consequences from that that are not positive. In the context of Greece, which is currently changing very rapidly, we have seen children claiming to be adults because they do not want to be taken into what is in effect detention. It is nominally safeguarding accommodation for their own protection, but it means that they cannot continue the onward journey, so people will claim to be adults even when they are not.

There are also, of course, issues regarding age disputes, which we have also seen in other contexts, and the issue of: when is a child accompanied, and when is he or she not? Identifying whether an individual in a group of people is without appropriate adult care is incredibly difficult in some of the current situations that we are seeing of people moving en masse.

All those issues come together and lead to significant difficulties in identifying these children. That said, there is data. We know that the numbers who are identified have increased. Eurostat data differs from EASO data. Last year, Eurostat recorded around 69,000, and EASO 84,000 or 85,000. Straightaway, that tells you something about the problems of data collection and comparability across contexts. That is a significant rise on previous years; there is no doubt about that. It reflects the fact that more than 1 million have crossed the Mediterranean looking for protection over the past 12 months.

We are also seeing some particularities in gender and age. Most children who fall into that category are aged between 14 and 17 and are male, but in some contexts, such as Serbia, we are seeing an incredibly large increase in the number of young girls who are coming in. Last year, we saw an increase from 85 to 1,047, which is a significant—tenfold—increase.

The Chairman: That is in Serbia alone.

Professor Heaven Crawley: In Serbia specifically. Of course, up to now, some of the data collection in those countries has been very limited because they have not been under particular scrutiny.

One final point before my colleagues add to this, we are seeing examples in our research of children who are entering the EU in a family, or in a group that could be identified in some way as providing appropriate care, and they are becoming separated on the journey through Europe by the policies that are put in place by member states. Some of that is about crossing the border; when 100 people are allowed through, some members of the family pass and some do not. But it is also to do with the way in which services are being provided, and there is even some evidence of families being separated in order to be able to access services in some context that they cannot access if they are in a family; it is easier for them to access them if they are unaccompanied.

For us, the evidence shows that the policy and the process are increasing the separation of children from their families, and that, again, will be recorded in different ways across different states.

The Chairman: Do either of you wish to add anything?

Professor Ravi KS Kohli: I would just re-emphasise that if the question is whether there is data, the answer is yes, and if the question is whether it is reliable, the answer is no, broadly.

Professor Heaven Crawley: Or comparable.

Professor Ravi KS Kohli: Yes. Also, for the reasons that Heaven has given, there is too much variability, too much double counting and miscounting, and a lot of confusion, at least around the edges. The core data might be relatively stable, but the peripheral data, or the data that goes into other categories, makes it difficult to count. That is not to say that people are not trying; it is just that it is difficult.

Dr Ciara Smyth: I will just add to that, if I may. The regulation that Eurostat relies on to gather its statistics has about 10 different categories for counting migrants, protection seekers and so forth. But it is disaggregated for unaccompanied minors under only three different headings, so we know how many unaccompanied minors apply for asylum, how many get transferred under the Dublin regulation, which is minimal, and how many get some kind of residence permit for reasons other than protection, but we do not know, for example, how many unaccompanied minors are detected crossing an international border, how many unaccompanied minors are detected in-country who are illegally present, how many unaccompanied minors are subject to a return decision, or how many unaccompanied minors are actually returned. That is key data that is not sought under the relevant regulations. So Eurostat is limited in what it can tell us about unaccompanied minors because of the legislative constraints.

The Chairman: Just briefly, to follow up, are unaccompanied minors following particular immigration routes?

Professor Heaven Crawley: On the current movement of people through the Mediterranean routes, the first thing to say, I suppose, is that there is a significant difference between the central Mediterranean route from Libya to Italy and the eastern Mediterranean route, currently from Turkey to Greece—of course, we anticipate that that might change because of the new EU-Turkey deal. There is a very significant difference in the composition of people taking those routes in general in terms of nationality and vis-à-vis children in family units, as well as children travelling independently. We know that, in total, children are more likely to come through the eastern Mediterranean route, either with their families or separately, and we are identifying particular groups within that—Hazara Afghans from Iran, for example—but I do not get any sense at this moment that they are taking unique or specific routes compared to the whole. Those differences between the routes are important, because the way in which children are entering is clearly different depending on nationality. But I think they are travelling with the general flow, and if the general flow changes because of a policy, kids also have to go with that policy.

Professor Ravi KS Kohli: I think the FRONTEX data on routes are updated fairly regularly to take account of both possibilities as well as of limitations placed by states. I am happy to brief you later on the data that FRONTEX is producing.

The Chairman: That would be very helpful. Thank you very much.

Dr Ciara Smyth: Can I make just one further point? We have no data on the number of unaccompanied minors who go missing. This is a critical point. The Commission did a study in 2013 and found that, really, only a handful of EU member states have any laws, policies or protocols for dealing with unaccompanied minors who go missing. So they are simply not being counted in most EU member states, or at least they are not being systematically counted. That is key. I also want to point out that the statistics regulation that I spoke about earlier does not include victims of trafficking in its scope—that is another exclusion.

Professor Heaven Crawley: One very minor point on the missing migrant or refugee children: you may have seen reports earlier this year from Eurostat about the 10,000 missing children. We have grave concerns about where that figure comes from, and it belies some of the complexity as to why children might fall out of a system. Sometimes it is because of the failure of states to keep them in a system, but it can also be because some of those systems simply do not provide children with the resources or opportunities that they need. They may choose to withdraw from that system, let us say, but it does not automatically follow that they

have become victims of criminal gangs or trafficking as the story earlier this year implied. I think the picture is more complex.

The Chairman: Before I ask Baroness Massey to come in, I want to draw your attention to the fact that, at 11 am, we will stop for a minute's silence in view of the Brussels attacks.

Q20 Baroness Massey of Darwen: Thank you. I was intrigued when you said that it is sometimes a case of key data not being sought. Could I press you a bit further on that? We have heard that the identification and registration of unaccompanied minors is very flaky. Do you think there is the potential for more co-operation between member state authorities, institutions and other organisations in gathering and analysing data on unaccompanied minors? Will you go back to the issue of key data not being sought?

Dr Ciara Smyth: Thank you for the question. I suppose this goes back to a point that I made at the beginning about the fragmented approach to unaccompanied minors. The data is reasonably okay on what we call protection-seeking children, and we have some data on children who have been victims of trafficking. Those are reasonably robust, although we would like obviously more data to be able to disaggregate it. We would like to know, for example, how many unaccompanied minors are actually recognised as refugees or beneficiaries of subsidiary protection, which we do not know at the moment. The key missing bit is the unaccompanied minors who do not get identified at the border or in-country as being unaccompanied; they do not get channelled into the protection procedure, or the risk factors for trafficking are not picked up on by the border guards. They are not channelled into a protection system or into a victims-of-trafficking system. Then they are just susceptible to the vagaries of immigration law: they are simply not picked up.

Baroness Massey of Darwen: Do you think that a lot are not picked up in that way?

Dr Ciara Smyth: It is really difficult to know because of the lack of statistics. Because they are not counted, there is no way in which we can definitively say. But yes, the anecdotal evidence seems to be that it is a large number. If we know, for example, that 70,000 applied for asylum in 2015, and we know that that is a very small fraction of the number of unaccompanied minors who are out there, we can deduce that, yes, there are a lot who are not being identified.

Baroness Massey of Darwen: Are you suggesting that any assessment forms, or whatever they have at the borders, should include the questions that you are concerned about here?

Dr Ciara Smyth: They do, but in kind of a soft way. For example, there is the EU borders code and the EU border agency FRONTEX, which trains its officials on risk factors for

unaccompanied minors. So there are some initiatives, but the suspicion, I suppose, is that these are not sufficiently joined up or sufficiently provided for in law.

Professor Heaven Crawley: Just to build on that, I know that the recent situation is quite particular, and I do not want to suggest that it is representative of what is going on all the time or in all places. But certainly when you are on the ground in contexts where very large numbers of people are arriving over very short periods of time, as we have seen most recently in Lesbos—although, again, that is changing even as we speak—it is somewhat chaotic, to say the least. There is a real sense of people not collecting data about all sorts of things. You see queues of people, who are organised usually by nationality for the processing of those applications, and you see all sorts of individuals. Often, it is very difficult for anybody working in a very rapid registration process to be able to take the time and have the energy, and have the interpreters and others who they need, to unpack the complexities. If a young person says that they are with someone, I doubt very much that there is time in that situation for that to be questioned, so it is simply recorded and they move on.

Q21 Lord Ribeiro: My question is on age and gender. On Monday, when we discussed the Immigration Bill, the Minister referred to the fact that 61% of unaccompanied asylum-seeking children arriving in the UK are aged 16 to 17, and that 90%—the majority—of those seeking asylum are male. You have talked about those who drop off the radar and disappear. First, do you agree with the figures I mentioned; and, secondly, in which category do those who drop off the radar fall?

Professor Heaven Crawley: The figures for the UK are probably broadly right. Certainly, most children are at the older end of the age range and most are young men, but I think it varies quite significantly by country, and there are some groups where that is not the case. Of course, that reflects the circumstances in which people are travelling. My concern, particularly for those who are travelling long distances through the very circuitous route that people are taking at the moment, is that people are dropping off along that route, and the extent to which they are being picked up by anybody. It is not surprising that young men—they are still children—in that category are more easily able to make that journey. That journey is proving very difficult for people who are younger and for young girls, for obvious reasons. That, in a way, does not surprise me. What concerns me is that that statistic is used to suggest that this is not a vulnerable group of young people who need our support. As soon as the 16-to-18 bracket is identified, and the fact that they are young males—our narrative is very strongly framed in a certain way; for example, the image of Aylan Kurdi, the very small child washed up on a beach—these young people are perceived as not fitting that category and therefore not

vulnerable and in need of our support. They are still children and they have almost invariably had difficult experiences in their country of origin and on the route to the UK. I am not disputing the statistic; I am just concerned about how that statistic is represented, as if it somehow means that there is no vulnerability, or indeed rights.

Q22 Lord Faulkner of Worcester: Is EU funding being used to full advantage, and is it being used properly? Is there enough of it? If there were more, how could it be spent?

Professor Heaven Crawley: That is a difficult question, and quite a broad one.

Dr Ciara Smyth: There is the Asylum, Migration and Integration Fund, which runs from 2014 to 2020, I think. Under that fund, €3.1 billion is allocated. Many of the initiatives that have been taken under the EU action plan on unaccompanied minors have been dispersed under this fund. A lot of the really good research that we have on unaccompanied minors has been conducted with the assistance of that fund. I suppose I distinguish between the lack of hard data and the plethora of soft-law, normative guidance on how to process unaccompanied minors, on guardianship, on care arrangements, on durable solutions and so forth. That is definitely there, and it has to a large extent been funded by the EU, which is a good thing. What is perhaps missing is the need to audit what is out there and to see its impact on policy. Very often, there is a disjunct between the production of these many interesting and important reports and their impact on policy at an EU and domestic level.

Lord Faulkner of Worcester: You referred to data. Could better use be made of what data there already is?

Professor Heaven Crawley: In the absence of an audit, it is difficult to know because you are just speculating. You end up with individual cases of good and bad practice but not being able to say whether, across the piece, there is a good use of the funding that is available. That follows on from Ciara's point: in the absence of really knowing how that money is being spent, it is very hard to say that it could or should be spent more effectively.

Lord Faulkner of Worcester: But you do not have a view on how it is being spent.

Professor Heaven Crawley: I think that some of it is being spent quite well and some of it is being spent not very well at all. As far as I can see, there is no accountability or transparency about how those funds are being spent. Therefore, it is very hard to comment.

Dr Ciara Smyth: The money is decentralised to the national level. It is national authorities that disperse the funds, and it is usually NGOs, academics and other groups that actually carry out the research.

Q23 Lord Condon: We can speculate on the key challenges that unaccompanied minors face in the EU, but could you elaborate for us, so that we get a better feel for the challenges

currently facing them in being processed and how that is influenced by their age, gender and nationality? You have touched on some of those issues, quite properly, but is there anything more you can tell us to give us more of a grasp of the key challenges.

Professor Ravi KS Kohli: As I said at the beginning of the meeting, one fundamental challenge is who expresses a sense of ownership for these children. In many instances, they are batted from pillar to post. We would not treat our own citizen children in the same way. It is not sufficient, at an EU or state level, simply to continue to reiterate the state's adherence to the UN Convention on the Rights of the Child or to cite General Comment No. 6 in its own defence when we know in practice that many patterns of injustice in relation to children continue to emerge.

Lord Condon: Does that manifest itself in them being treated almost as if they are adults or treated insensitively, given their age? How does that manifest itself at the point of process?

Professor Ravi KS Kohli: Certainly for older children there is substantial suspicion about the age that they claim to be. In broader terms, in the light of events that are happening around the world, there is concern about young Muslim men—to name it in its barest sense—and suspicions about what they are doing here. At last week's evidence session, one question that interested me was whether there is a sense of danger in a country that is associated with the presence of unaccompanied children. My answer is no there is not: there is no connection between terrorism and the presence of unaccompanied asylum-seeking children. Indeed, I can think of only one case in the last 15 years where a child who came here as an unaccompanied child was associated with an act of terrorism—that is one case out of the thousands and thousands of cases that we accepted. So there is suspicion; it is specific in relation to age, and more general in relation to other worries about safety and standards.

Professor Heaven Crawley: From my perspective, given the research that I have done on particular issues to do with the asylum process, there are three key issues. The first is access to that process for unaccompanied children who are seeking protection. That is not to say that all unaccompanied children in the European Union or Europe more generally are in need of protection—it is important to state that. However, there are very many who are, and they often find it very difficult to access the process. In many countries, that process is not always clear. Assumptions are made about the level of knowledge that not just children but others have about what that process constitutes and how to access it. Also, children in particular are often given information that may not be accurate, either by family members or by agents, facilitators or smugglers who send them on their way, about how to access that process. In

many cases, you need legal advice to be able to do so, and, of course, they do not have the resources to be able to access that. So access is a problem.

When people do get into the system—and this relates more to some of my research in the UK and in western European countries such as Germany, France and Sweden—their asylum claims are often looked at in quite a particular way that fails to acknowledge that in many of the contexts from which young people come, there are methods and modes of political engagement that are quite different from our assumptions of how young people might operate in a context like the UK, where there are much more formal democratic structures and the modes of political engagement are more organised. So some of the things that happened to them as children, or as a child who is being persecuted—for example, because of their family membership or whatever it may be—are simply ignored in the process.

Ravi has already touched on age disputes. Back in 2006-07, we did a very significant piece of work with the Immigration Law Practitioners' Association on how that age-dispute process is panning out. We took that to the European level, and it is clear that, almost a decade on, this remains a significant problem for many people.

Finally, the issue of family reunification, which I assume we will come on to at some point—

The Chairman: Indeed.

Professor Heaven Crawley: —is also very significant. Some of the children we have been talking about, who are making that journey across Europe, have family members in European countries and are simply not able to access them as they should be able to within the existing provisions.

Baroness Massey of Darwen: May I ask a supplementary question?

The Chairman: I think Ms Smyth would like to add to that answer.

Baroness Massey of Darwen: I am so sorry.

Dr Ciara Smyth: I will just add to that, if I may.

The Chairman: I will suspend the hearing in one minute at 11 am, so please answer without hesitation or deviation, as they say.

Dr Ciara Smyth: There is a big problem with unaccompanied minors who have come to the EU principally to reunite with family members who are already here. They cannot get to those family members in effect; there is no mechanism to allow them to do that. The two relevant pieces of legislation are the Dublin regulation and the family reunification directive, which the UK does not opt into. The Dublin regulation does not really work in the context of mass influx, emergency, humanitarian-type situations. It does not have speedy procedures for

allowing an unaccompanied minor to access a family member, so unaccompanied children in the EU end up having to pay a trafficker or a smuggler.

The Committee suspended for a minute to observe a minute's silence.

Dr Ciara Smyth: To finish that point, unaccompanied minors who have managed to get into the EU are in a situation where they have to be re-smuggled. Having been smuggled into the EU in the first place, they have to be re-smuggled to get to their country of destination, because there is no legal mechanism to facilitate this and the procedures as they exist are too cumbersome. We saw in the recent Calais case before the Upper Tribunal that there is no speedy mechanism in the Dublin regulation.

Another point is that the Dublin regulation is not being used by member states to facilitate the reunification of unaccompanied minors. We do have hard data on that. Around 70,000 unaccompanied minors in the EU this year have applied for asylum, and last year there were 228 transfers of unaccompanied minors to join family members in another EU member state. That speaks for itself. So apart from the fact that as a mechanism the Dublin regulation does not work very speedily, it is simply not being used by member states for the purpose for which it was designed: reunification. That is a huge problem.

Professor Heaven Crawley: It is important to understand that the smuggling element has other consequences. In most cases, the onward journey through that illicit route will have to be paid for: you will have to either work for that or sell something, perhaps yourself, to be able to pay for that journey. Therefore, there is not just the fact of the re-smuggling or using those alternative routes, but the consequences for the individual.

Q24 Lord Condon: Is there any evidence of awareness of or some sensitivity to the additional vulnerability of young girls, or is there just a generalised approach in the processing and a lack of sensitivity?

Professor Ravi KS Kohli: There is plenty of evidence in relation to vulnerability. However, the main point still holds that, despite the evidence, there is no sufficient, coherent action in relation to continuing to make systematic protection efforts in relation to those vulnerabilities, which are on show for everybody.

Professor Heaven Crawley: I would add that although I do not want for one minute to undermine the sense that young girls can be particularly vulnerable, the problem with that idea is that it implies that young boys are not. There is plenty of evidence, although perhaps not enough, to show that given that young boys make up the majority of those on the move,

they are also vulnerable, particularly in relation to the things they have to do to continue that journey. In the end, you are vulnerable because you do not have rights. Frankly, your gender does not really matter.

Q25 Baroness Massey of Darwen: On the questioning process when children arrive, I assume that the people conducting the interview are trained properly, although I may be wrong. Do you think that the questions are appropriate to the child? If children are smuggled, presumably they do not go through the interview process, or do they and then lie? I am also puzzled by this.

Dr Ciara Smyth: There is an overlap between trafficking and protection. Sometimes, a child victim of trafficking will end up in the protection procedure. As for smuggling, many if not most persons seeking international protection have been smuggled into the EU. As to whether people are trained, there is nothing in the Schengen borders code, which deals with assessing people as they cross the border, on specialised training or the principle of the best interests of the child. That is the first point.

When it comes to the protection system, in the recast asylum procedures directive there are additional guarantees for dealing with unaccompanied minors. Member states are obliged to train officials who deal with unaccompanied minors. I have been involved in the provision of that training, and it is very difficult to train people who do not have, for example, a child rights, child psychology or child development background. It is an extremely difficult task, as you can imagine. Essentially, you are asking a child to provide evidence in relation to their protection needs, but they may not even know why they are here or understand the nuances of why their parents told them to leave. Therefore, they may not recount their story in the linear way that we would expect. Very often, these children are disbelieved as being incredible, because their account is not narrated in the typical adult way.

Yes, it is true that the decision-makers in the protection process are trained, but a very high level of training is needed to get a story from an unaccompanied minor effectively.

Professor Ravi KS Kohli: I would add very briefly that children are exhausted by multiple interviewers and multiple interviews. Part of the bewilderment that they experience is in holding a single, salvageable story together in multiple circumstances. We see repeated instances of children being surrounded by people who interview them to get to the same facts, over and over again.

Lord Faulkner of Worcester: And in different languages.

Professor Ravi KS Kohli: Exactly.

Professor Heaven Crawley: I know that we will come on to guardianship, but this is an area for which we have evidence that an individual assisting that process would really help.

The Chairman: We will come to that, but first we have other questions to cover.

Q26 Lord Ribeiro: There have been different views about the value of the 2010 to 2014 EU action plan. Clearly, it was introduced at a time when borders were perhaps not quite as haphazard as they now are and the movement of people across those borders was not imagined on the scale that we have seen. Do you think that there should now be another EU action plan on unaccompanied children? That is the first part of the question.

Dr Ciara Smyth: In a word, yes. Why? First, because the work of the four tracks of the 2010 to 2014 action plan is not complete. The four tracks are: data, preventing children having to take that route in the first place, reception and procedural arrangements, and durable solutions. We are not there yet in respect of any of those. We have spoken about data and some of the other issues already.

Secondly, there has been an exponential increase in the number of unaccompanied minors. When the action plan was instigated in 2010, only 12,000 unaccompanied minors were seeking asylum in Europe. In 2015, there were 70,000. It is not a short-term problem in any sense. If anything, it is growing.

The third issue, and this is critical, is the migration crisis. We have an EU agenda on migration to deal with this so-called crisis in the Mediterranean. There is no evidence that any of the key aspects of the EU agenda on migration, such as hotspots, relocation, resettlement and the new action plan with Turkey, have been child rights-proofed. There are very serious child rights concerns, particularly about the action plan with Turkey, that have been ignored so far. The idea is that children who have applied for protection in Europe will be deemed inadmissible because they have come from a safe third country, Turkey. By the way, there are certain objective criteria for designating a country as safe, but they are usually based on adult criteria and not child rights criteria. If you can say that Turkey is a safe country for asylum-seeking adults, although I would debate that, that does not necessarily mean that it is a safe country for children. But the very idea of refusing an unaccompanied minor access to the procedure, not ascertaining their protection needs and sending them back to a country outside the EU is absolutely inconsistent with the principle of the best interests of the child.

This crisis has given real urgency to the need for the Commission to have a new action plan that takes in the EU agenda on migration and takes us forward for at least the next four or five years.

Professor Ravi KS Kohli: I think the prospect of getting another action plan is very, very small. Perhaps just taking into account the full impact of what you have just said, yes it is necessary, but is it going to happen? Probably not. It will be subsumed under the European agenda on migration, which will bring its own disadvantages of children being kept in focus in relation to their rights. If an agenda does not re-emerge, we are going to lose the focus that we need to continue to have in order to turn the situation from 2010, which is amplified, into something that is manageable after 2014 and beyond.

Lord Ribeiro: I sense scepticism and a difference in approach that you both have, and I share your view that it is unlikely to happen. But, supposing that it did, you mentioned focus. What should be the purpose of the next action plan?

Professor Ravi KS Kohli: First, we need to take proper systematic stock of what has happened under the action plan so far. I do not think we have a proper picture of its sustained impact on improving outcomes for children. That simply has not happened, so it would be unwise at this point to define the further components of an action plan until we do a proper audit and have a proper, detailed grasp of how it benefited children in the first place.

Lord Ribeiro: One of the things that had not occurred at the time was the question of hotspots. With the latest migration, we have had evidence that thousands of European officials will be flown over, and that four are already up and running in Greece and another four are coming up in other countries. Will the increase in European civil servants, or whoever is going to go over there to police this, and the opening up of more hotspots make any difference?

Professor Ravi KS Kohli: If the question is whether it would make a difference in generating clarity and coherence and in providing a level playing field when processing those applications, the answer is that we do not yet know. The worry has been that Greece is not able to organise its own systems internally.

Lord Ribeiro: But my question is based on the assumption that the Europeans are prepared to put in 2,000 people to support the process. That is the position I am coming from. The Greeks have not been able to do it themselves—

Professor Ravi KS Kohli: That is right.

Lord Ribeiro: —but if they are supported to do it, do you feel that it will produce a result?

Professor Ravi KS Kohli: I think it might improve the situation, but it is too early to call, as you know. We are very concerned about keeping tabs on how capacity can suddenly be built up to safeguard children's rights in that context.

Professor Heaven Crawley: I was on Lesbos in Moria on the day Dimitris Avramopoulos opened up the hotspots, and we have been tracking the development of that process since. It is really important to point out that the nature of the hotspot changes almost weekly and sometimes daily. Even today, the situation is different from what it was two days ago. I can tell you now that all volunteers and every organisation that was providing support and advice and helping to identify children and other vulnerable groups in that area have now been required to leave Moria. That is just one example of a hotspot. Yesterday, the UNHCR and MSF also announced that they would not remain in the hotspot.

My concern is what will happen once all those organisations have withdrawn from the process, because it is now effectively a detention scenario. Previously, the Greeks had refused to detain people who had arrived. Now, people are arriving on the beach and being issued with a letter that tells them that they are under arrest, and they are being put into a detention centre where there are no external bodies regulating or checking what is actually happening. Honestly, it is going to be very difficult for any of us to know whether or not the people who are in that centre are being properly identified and their needs properly dealt with. That is the real problem with the whole of civil society and the international organisations both being sent out of and withdrawing from the hotspots. This is a seriously critical moment not just for the protection of children but for idea that we have a European asylum process at all. The process has to be accessible, and at the moment we have no way of knowing whether it is.

Dr Ciara Smyth: I will add two points in relation to the hotspots, if I may. First, there is no evidence to suggest that there is going to be an influx of EU personnel into the hotspots. If we contrast the personnel under FRONTEX, which is the control organisation, with the EASO personnel in the hotspots at the moment, we can count the number of EASO personnel on two hands. There has simply been no deployment of EASO personnel to the hotspots. They are not there.

Increasingly now, the hotspots are being used for detention with a view to sending people back to Turkey. That is very problematic for unaccompanied minors. Even the EU asylum procedure directive says that unaccompanied minors will be detained only as a matter of last resort, so presumably you have to have a first, second and third resort before you get to your last resort, but that does not seem to be the impulse at the moment. The impulse at the moment seems to be detention and sending them back. The hotspot idea is highly problematic.

Professor Ravi KS Kohli: Since Sunday, 934 people have arrived in Lesbos, 30 of whom are unaccompanied minors—and in detention circumstances, as my colleagues have confirmed, that is a concern.

Baroness Massey of Darwen: Excuse me, but I have to speak on the Housing and Planning Bill in the Chamber. I will be back as soon as I can.

Q27 The Chairman: I move to the question of the EU measures that relate to unaccompanied children, because they all refer to the primacy of the child's interests. Do you think that these obligations, as set out in these measures, translate sufficiently clearly into the requirements for national bodies and individuals and the way they deal with unaccompanied minors?

Dr Ciara Smyth: It is true that the asylum instruments, for example, all contain special provisions dealing with minors and unaccompanied minors, and all refer to the principle of the best interests of the child. But there are three key problems here, two to do with how best interests are incorporated into the instruments and one to do with a misunderstanding of what "best interests" actually means. The first problem with the instruments is that some of them restrict the scope of the best interests obligation to the provisions of the directive that involve minors. Obviously only a handful of the provisions of each directive involve minors. Most of them are age-neutral and have general application, including to children, so the purported restricting of the scope of the best interests principle to just the few provisions that deal with minors is itself problematic.

The second problem is that some provisions of the instruments themselves are not in the best interests of the child. Therefore, directing member states to implement them with regard to the best interests of the child is complete nonsense. I spoke earlier about the fact that unaccompanied minors can be susceptible to an admissibility procedure on the basis of having transited through a safe third country. You cannot interpret or apply that in a way that is consistent with the best interests of the child, so that is a bit of a nonsense. Several provisions of each of the different asylum instruments are patently against the rights of the child.

The third problem, which I have seen a lot in practice, is that the best interests concept is not well understood. There is a lot of really good soft-law guidance, including by the UNHCR, on this, but, in my experience, immigration officials feel that the best interests idea is a bad one, because it involves a lowering or a softening of standards and that the child might not have a right to what is in his or her best interests, and because their job as immigration officers is to make immigration decisions, not to bother about the best interests of the child. What "the best interests of the child" means and requires of the actors involved with children is not really understood. In the asylum context for example, it does not mean that an unaccompanied minor is entitled to be recognised as a refugee on the basis of the best interests principle, or just because they are a child, but it does mean that, in processing their claim, the rights that

are relevant to that claim, which are the right to be heard or the right to have the rights of the child considered refugee-relevant in the claim, have to be taken into consideration. Many immigration officials, certainly in the Irish context, see the best interests as hampering them or tying their wrists.

The Chairman: Did you say that the UNHCR has written something on what is in the best interests of the child?

Dr Ciara Smyth: Yes. The UNHCR has an extremely good set of guidelines on exactly what the best interests of the child are throughout the process.

The Chairman: What do you think can be done to improve it? You have indicated what the problems are. If you were to make recommendations on how it might be improved, what would you suggest?

Dr Ciara Smyth: What the political realities of this desire are, I do not know, but personally I would be in favour of having a separate directive dealing with all unaccompanied minors. Within that directive you could have the separate tracks for the protection of victims of trafficking and irregular migrants, but a separate directive is needed to cater for the problem that some children are not being provided for at all. It could also address the problematic child rights provisions in the common European asylum system. That would be a straightforward way of dealing with this problem.

Lord Condon: Do your colleagues share that need for a separate directive?

Professor Ravi KS Kohli: We would be happy to supply material on the UNHCR document.

The Chairman: But would you support what Dr Smyth has said?

Professor Heaven Crawley: It is always very difficult, is it not? You have the competing ideas of mainstreaming and wanting to ensure that there is access across all the provisions, and then having a separate provision to ensure that particular groups' needs are met. I would probably be in support of that, but across the piece it is important, whether by training or some other means, to get people to understand, as was rightly pointed out, what "best interests" means in the process: that it is not necessarily about the outcome but rather about the way the process is conducted. It is very clear from working with immigration officers and people doing asylum interviews that that is not understood at all.

Professor Ravi KS Kohli: I have one example that comes to my mind regarding the process. Some of us are taking an interest in pursuing the idea of a court that hears children's immigration and welfare concerns together. It would take a holistic approach to considering matters, including the child's best interests. That consideration is at a very preliminary stage, but we are happy to let the Committee know where we are on the thinking about the

framework in which this matter could be considered. We are basing it on the family, drugs and alcohol court, which people will be familiar with and which has proved to be valuable as well as cost-effective with regard to putting all the strands together so that the child can be seen as a whole person in that context. I would be very happy to supply further information to the Committee on that.

The Chairman: That would be very helpful.

Q28 Lord Faulkner of Worcester: I think that quite a bit of my question has been answered already. It is about the directives under the common European asylum system, which of course the United Kingdom has not opted into and which is, I think you would agree, implemented patchily elsewhere in the Union. Do you think that the patchy implementation of what is supposed to be an agreed policy has had a serious effect on the human rights of unaccompanied minors?

Dr Ciara Smyth: Yes, although I would debate whether the problem is one of lack of implementation. There is certainly some evidence that member states are not implementing the provisions of the directives. To account for that, we have to remember that member states perceive harmonisation as a zero-sum game: what is good for me as a state is necessarily bad for you. Nobody wants to raise standards in line with EU instruments.

There is also a rot at the heart of the common European asylum system itself, which is that it is motivated by two competing and mutually incompatible objectives. One is protection, and that is usually what animates the Commission and the European Parliament. The other is immigration control: control over migrants and the retention of sovereignty over the issue of immigration. If you look at the different instruments, you will see that they kind of bite each other in the tail. We have the qualification directive, which harmonises the definition of a refugee or beneficiary of subsidiary protection. That is very effective and it has done that across member states.

Take, then, the asylum procedures directive. It is supposed to set down minimum procedures for the asylum procedure in the different member states but in fact consists of a whole host of extraordinary procedures and allows member states to derogate from most of them. It renationalises the whole question of asylum procedures and negates the gains that were made under the qualification directive. Similarly, take the reception conditions directive, which sets out good conditions for the treatment of asylum seekers in terms of accommodation, subsistence and the right to work and so forth.

Then, take the Dublin regulation. The effect of the Dublin regulation on some member states means that they simply cannot give effect to the standards in the reception conditions

directive, because it is completely beyond their capacity. So there is a problem at the heart of the common European asylum system. It is not simply about implementation.

Lord Faulkner of Worcester: And you do not think that the EU asylum acquis will make a huge difference.

Dr Ciara Smyth: Is your question about the UK opting in?

Lord Faulkner of Worcester: If the member states do not except the acquis, it is obviously going to be very difficult to achieve common standards.

Dr Ciara Smyth: The fact that certain states, such as the UK and Ireland, have an à la carte approach undermines the system even further, because it is not a common system.

Q29 Lord Ribeiro: We said that we would come to the family reunification directive. Should the UK participate in that?

Professor Ravi KS Kohli: Yes.

Professor Heaven Crawley: Yes.

Dr Ciara Smyth: Yes.

The Chairman: I love the brevity of that answer.

Lord Ribeiro: What are the implications for unaccompanied minors in the UK of the Government continuing to take the stance that they have?

Professor Ravi KS Kohli: One of the things that we have described is the sense of isolation and bewilderment that is commonly experienced by unaccompanied children, not just during the asylum phase but after they have been given some form of permanent status. What children lose as a consequence of the UK not being part of the family reunification directive is a sense of continuity.

I am going to tell you a story. In 2006, I interviewed one unaccompanied child who had got refugee status. At the end of the interview I asked him what would happen about family. He said, “In order to get a family, I will have to make a family”. What he meant was that he was starting from ground zero, essentially. Unlike probably any of us in this room, he had no sense of continuity in relation to family relationships from the past. He could only forecast a family in the future. That is a profound burden for any child to carry. So the reason we are brief with our “yes” is to do with a sense of justice of that sort for children, because it composes them practically and psychologically and offers them sustainability. Family reunification means something tangible and continuous for children, so that they can have, in common with all of us, a sense of history and a future that bind together.

Professor Heaven Crawley: To add to that, the problem with the fact that the UK does not participate in the directive stems from the broader narrative of immigration control. The story

that has developed over the past 10 years, and which has become more apparent in the last five years, is the idea that somehow the increase in unaccompanied children entering the EU looking for protection is a conscientious strategy on the part of families to use their children as a hook to bring themselves in. That fundamentally misrepresents and misunderstands the reasons why children are often the ones who are sent out first. In many cases, parents are simply desperate and worried about the future of their children.

Lord Ribeiro: You make the point that families send the children out first as if it is part of a policy.

Professor Heaven Crawley: They can be. It is sometimes a strategy, if you have a limited resource in the household and you are very worried about the safety of your children. In those circumstances, I would send my children first if it came to it. That is often what happens. It is not a strategy in the sense of a hook, but it is a strategy for saving the family. As Ravi rightly pointed out, there are consequences for what that means for the children at a later date. So it is a strategy, but it is a strategy for saving the family and not a strategy for securing the future. People cannot even think in those terms at that point in their lives.

Lord Ribeiro: In the UK, we have a different attitude to what a family is. I come from Ghana, where an “aunt” may not be a family member by blood but is considered an aunt. The concept of extended family is huge. How do you take that into account?

Professor Heaven Crawley: The family reunion directive does not get into the nuances of extended family. Let us make it immediate family if necessary: parents and siblings. That is a very narrow definition of a family, and I agree that it does not equate to the reality of people’s lives. However, the point is that we are not even entitling children to that.

Dr Ciara Smyth: And it does not even include siblings. It is just parents.

Professor Ravi KS Kohli: Siblings do not count.

Q30 Lord Cormack: I apologise for being out of the meeting for a while. What you said about sending children first suddenly brought to my mind the father in Ireland handing the baby out of the car this week. That is the natural human instinct. Last week, we had evidence that things were rather better in Scotland because of the appointment of guardians. Would it help enormously if the Scottish system were rolled out throughout the UK?

Professor Heaven Crawley: Let us put our cards on the table. Professor Kohli and I evaluated the guardianship system as it was rolled out in the Scottish context.

Professor Ravi KS Kohli: And I have subsequently evaluated the trial of independent child trafficking advocates in England and Wales, which finished in December 2015.

Professor Heaven Crawley: I wonder if I might address one part of the issue of guardianship in relation to the asylum process, and perhaps, Ravi, you could address the issue of well-being. Obviously you have other things to add, too.

We evaluated the system as it was rolled and over the first two years of operation, and certainly in relation to some of the issues that we have discussed—access to the asylum process, the experience of moving through it and making the case for a claim for protection under international refugee law—it was very interesting and very clear to us that children who are in that system do better; and I want to be precise about what I mean by “better”. We discovered that the refusal rate for the group of 61 young people that we looked at and for the UK as a whole was not dissimilar at around a third. What we found to be significantly different was the proportion of young people who were given refugee status as opposed to discretionary leave, which was twice as many. That is very important, because that is about rights and about something that gives you something into the future rather than something that just allows you to remain until 17 and a half or 18 on a discretionary basis, which is quite a different thing.

There are a number of reasons for that. Partly it is because of the way in which a guardian—as an independent third party, if you like—assists the young person in the process of gathering themselves and the information that is required for the asylum claim. That is about building trust and helping people to disclose information and talk about some of the very difficult things that have happened to them. It is also about working with the other people involved in that process, the legal representatives and the social workers, to make sure not only that things are clarified if they become unclear—and, let us be honest, when you work with young people, or indeed with anybody who has been through asylum, they often become unclear—but that the apparatus around the child’s life is such that it does not impact on the asylum claim. Being in a good place to live and having support in school et cetera can make a real difference to an individual’s feeling of security.

There are also very specific things that a guardian can do: attending the interview; assisting in an age dispute; bringing in various bits of additional substantive evidence to support the case; linking services; creating a sense of well-being; and ultimately preparing a child for return, should that be the consequence of the asylum process.

To answer your question, I think it is pretty clear from our evaluation that that system is highly effective in helping to resolve some of the very many issues that we have identified during this conversation.

Professor Ravi KS Kohli: I absolutely agree with that. I will just add a couple of headlines, if I may. Guardians provide clarity and coherence both for children and for other public authorities. They are the glue that binds things together in a child's life. The fact that they are independent of other public authorities is a core part of an effective guardianship service. It is behoven to nobody else; it exists on behalf of the child to provide a sense of companionship for that child from the beginning of a claim to its resolution, for example.

Guardianship matters at all sorts of levels, both in improving the child's life and circumstances and in reducing the noise around the child from the very many actors who are around them, and turning that noise into the sound of things that are important for the child. They play a key role in conducting the child's very traffic-filled experience.

Does the UK need independent guardianship? The answer is yes. Does it need to be financed from a central government budget rather than cut into the budgets of children's services, for example? The answer is yes. Does it provide something that children themselves value over time? The answer is yes. There is much evidence, both in Europe and in the different countries of the UK, to support the notion of independent guardianship.

The Chairman: Thank you very much. I return briefly to family reunification. I would like brief answers, because we are running over time. What is the evidence on the effect of the family reunification directive on the member countries that have adopted it? Has it had a positive effect?

Professor Ravi KS Kohli: Countries adopt different approaches to family reunification, with different levels of flexibility. One thing that I wanted to say but did not say when the question was originally asked was that if the Committee's question is whether family reunification acts as a magnet to increase the number of asylum applications by children to a country, the answer is no; there is no empirical evidence to suggest that it does. Looking at other countries in Europe where it exists, we can see that the rate of applications by children is not substantively affected by holding to the family reunification directive. In the very few bits of evidence about the benefits to children of family reunification, we find that those whose parents are allowed to join them benefit from a sense of continuity and coherence, as I said earlier.

Q31 The Chairman: Do you think that the UK's approach to family reunification is compliant with the obligation under European and international human rights law?

Dr Ciara Smyth: Quite a generous obligation is imposed by the Convention on the Rights of the Child relating to family reunification, and the idea is that states should facilitate minors'

reunification with their parents. That is quite clear in the convention. As to whether states have implemented the letter of the law, the answer is generally no, for obvious reasons.

We have already referred to that fact that the family reunification directive is rather narrow in scope. It relates only to refugee children, not to beneficiaries of subsidiary protection. The Commission has come out and said that it should, but has not proposed an amending instrument. It also relates only to parents and not siblings, which puts parents in an invidious position, because they would in effect have to make a choice between their children if they had more than one child, and one child was here and another was there. If they chose the child here and arrived here, clear ECHR Article 8 obligations would arise. So the family reunification directive is rather narrow in scope. I am not suggesting that it is a panacea, but it may be a starting point. Of course, it is always open to domestic authorities to take a more generous view by passing domestic legislation.

The Chairman: Absolutely. Thank you very much indeed. You have been extremely helpful, and we are very grateful to you for giving us your time this morning. As I said at the outset, if there is any further information that you want to send us, and anything that you want to amplify that you have not been able to cover during this session, we would be very grateful for it.

Examination of Witnesses

Ms Kirsty McNeill, Director of Policy, Advocacy and Campaigns, Save the Children, and
Ms Judith Dennis, Policy Manager, Refugee Council

Q32 The Chairman: Good morning, and thank you for your time this morning. I am sorry that we are running a bit late, so thank you for your patience. As you know, this is a public session. It will be webcast and we will send you a transcript, which you may amend. If you wish to send anything by way of extra evidence, that would be very helpful. Will you please start by introducing yourselves and saying a little about your work?

Ms Judith Dennis: I am Judith Dennis. I am policy manager at the Refugee Council. We work delivering services, including to unaccompanied children in the UK. I have been involved with the Refugee Council and with its projects more widely across Europe. Those projects have been funded by the EU and try to look at different areas of practice and research.

Ms Kirsty McNeill: I am Kirsty McNeill. I am the director of policy, advocacy and campaigns at Save the Children. We have been working with refugees for decades and are here primarily

to speak to the humanitarian agenda. We are a front-line responder agency in some of the countries that children are fleeing from, the transit countries that they go through and their countries of destination. We work the whole route that a child refugee takes on their way to the UK. Our primary focus at the moment is on the UK taking 3,000 lone children from inside Europe. Although we have a humanitarian mandate that covers the planet and all the different environments that refugees might be created from, our primary focus at the moment is making sure that the European response is appropriate for the needs of those incredibly vulnerable child refugees.

Q33 The Chairman: Thank you very much indeed. You are very well placed to tell us what role civil society has in addressing the needs of unaccompanied migrants in the UK.

Ms Judith Dennis: In the UK, we help children through the process. We are funded by government to do that and have been doing it since 1994. We help children to find legal representatives if they do not have them, we accompany them to appointments, and we try to help them until they get a decision. The Home Office funds this, and it has done so for all that time. Although we are never completely satisfied with the level of funding, that is not my main concern. My main concern is how the Government support civil society through the powers that they give us to intervene.

The Chairman: Can you explain what you mean when you say “the powers they give us to intervene”?

Ms Judith Dennis: The previous speakers talked about guardians and the role that they can have in the process. Certainly in other EU member states they have the power to be at appointments and represent what the child is saying and/or their best interests—they are not always the same thing, of course. But also it is about having some power to make other statutory bodies listen. For instance, if we are trying to represent the views of a child and their best interests to a local authority, they are not bound to listen to us and sometimes they do not want to because the views and needs of the child may be different from their interests. There is a gap in how much influence civil society can have.

The Chairman: So you want some recognition of the role that you can play in acting on behalf of the child.

Ms Judith Dennis: Where there is a conflict of interest between the child and a statutory authority, we do not have any rights in representing that child to, for instance, discuss matters with them. It is all by agreement.

Ms Kirsty McNeill: We support children directly when they get to the UK. For example, we provide support to foster carers in Kent, because a lot of the trauma that children are dealing

with is trauma with which we are extremely familiar from our work around the world. We give particular specialist support to do what we call psychosocial support, which is specialised care for children who have been through trauma.

However, our role as a programmer across the whole route also means that we galvanise and co-ordinate other actors. While we want to give support to children who are already here, our primary interpretation is that there are nowhere near enough children here compared to the scale of the problem. Our call for 3,000 lone children to be relocated here was based on what turned out to be a deeply erroneous assumption about how many lone children there are in Europe. Last year, we calculated that about 26,000 children were on their own in Europe. That calculation was based on the number of children who had registered in Greece and Italy as an unaccompanied minor. It turns out that that was a wild underestimate, partly because not all the children coming through Greece and Italy were registered, and then there were many more. The latest figures are for over 80,000 applications across Europe and Norway from lone child refugees. We had underestimated 26,000 versus 80,000. Therefore, one of our roles of advocacy is on behalf of the children who are not here but should be, as well as providing support to the children who are here.

Q34 Lord Faulkner of Worcester: Based on your experience, what do you believe are the main challenges that face unaccompanied children in the EU? Do those challenges differ depending on age, gender or nationality? Are there any uniquely British issues that you would like to draw to our attention?

Ms Judith Dennis: Border control is affecting everyone and within that, of course, children. The focus on containment and on stopping people being able to reach safety is alarming, and that applies to children. Another issue is accurate identification, and I point to children being erroneously identified as adult. That applies in the UK. We are very worried about it doing so, and there has been a rise in numbers over and above what you might expect of children being erroneously identified as adults. We are very worried about that. Identifying their needs is a particular problem across the board. In the UK, we put them into the asylum system and, where we believe they are children, the care system. There is a way to go before we are properly identifying, for instance, their mental health needs and the needs of older children who we believe can live by themselves. There are particular difficulties in the UK, but on the whole the EU's approach to containment and border control is one of the most worrying issues, and that is across the board.

Ms Kirsty McNeill: From our point of view, we draw a distinction between the experience of children who have made it into a system and those who have not. I do not know whether you

saw the figures released last year by Europol suggesting that 10,000 children had simply disappeared. Children who had been registered by authorities across Europe simply fell out of the system. Sometimes that is because they are actively evading being pulled into systems, because they have an ideal country of destination and are desperate to get to family and protection elsewhere in Europe. We have evidence of children actively absconding from reception centres, even if space has been found there for them. Children who are outside the system are, to our mind, the most vulnerable. That is not just our view but the view of Europol. They are vulnerable to being trafficked, sexual exploitation, forced labour and the drugs trade. Those who have not made it into the system are extremely vulnerable and, we would argue, the most vulnerable of all. That is why the Government's argument that at least once you are in Europe you are safe is deeply erroneous. But there is also the challenge of the children who have made it into the system. We do not think that there are adequate facilities for them, either because their age determination is not being handled appropriately or because they are in detention or quasi-detention.

Lord Faulkner of Worcester: Is that because they are disbelieved when they give their age?

Ms Kirsty McNeill: Sometimes. There is also an incentive for each country to find them not to be a minor because of the different rights that they would have as an unaccompanied child. The system is simply overwhelmed. I cannot stress that enough. When I was in Lesbos last year, it was striking how much more efficient the people transporting migrants and refugees were than the systems in place to deal with them when they landed. In each dinghy—I stress that these were dinghies; the sort of thing you would use on holiday for leisure—there were, on average, 20 to 30 children pouring out. In the time that it took us to get them up the beach towards medical attention, rehydration and food, the dinghies had already been packed into vans and driven away. The system of getting people into Europe is significantly more efficient than the system that the statutory authorities have to deal with them.

There are children who, even when they get into the system, are not getting the appropriate care and attention that they need. It has less to do with gender or country of source and more to do with which country they find themselves in. For example, we work with children in Italy. Tragically, doctors in our Italy programme have found that 50% of the children they are dealing with have an STI. That is evidence of them being sexually exploited in transit. Children who have come through Libya are much more likely to describe torture and extortion from their families to get them in transit. Some of the children we work with in Bulgaria describe being detained without access to food or water and being frightened by

dogs surrounding them. Our evidence so far suggests that where they are in Europe determines their experience much more than their gender.

Q35 Baroness Massey of Darwen: I am sorry I was late; I have been in the Chamber. I have one question. Is there any evidence of effective guardianship systems for children elsewhere?

Ms Judith Dennis: Most places have better guardianship systems than those in the UK in that they are independent. Some are better than others. The best systems are those where the guardian is representing the child's best interests as well as instructing a legal representative on their behalf. The best systems are those where the guardian knows the child and is sufficiently resourced to be able to have a manageable case load. Some systems rely on volunteers, who may be very well meaning but who are trying to do this in addition to their job. The knowledge and skills vary across different European member states. Quite a lot of organisations, such as Defence for Children International and the Nidos Foundation in the Netherlands, have done work on this. Other pan-European studies have talked about the skills that are necessary and experience that is required, and some of the organisations are meeting that.

Baroness Massey of Darwen: Could you give us some evidence of that?

Ms Judith Dennis: We could send you some of that research.

The Chairman: If you could send us that information, that would be very helpful.

Q36 Lord Cormack: Just as a supplementary to that, when you send information could you give us some idea of the batting order—although I hate to put it that way? You have indicated that some nations' guardianship schemes are significantly better than others. If you could give us one or two particularly good examples, that would be very helpful, and we could then simply follow those up. How has the terrible refugee crisis, which is concerning us all, affected the treatment of unaccompanied minors in the European Union?

Ms Judith Dennis: I think Kirsty has more detail on that than I do. I would just say that when you are struggling to cope with numbers, identifying people with special needs that you are then going to have to meet is a particular challenge, so some of the weaker responses have been to wave people through, as has been talked about. Also, when you identify somebody as a child, you need to think about what those needs are and whether the child needs to be reunited with family, et cetera. So having extra numbers is a problem, as is containment and the lack of safe and legal routes, as I said, because that affects children as well.

Lord Cormack: Do you think it has blurred the definition of what a child is? We are very conscious of the fact that although the numbers are questioned by many, many people, a large

number of these unaccompanied minors are in the 16 to 18 bracket. Do you think there has been reasonably correct identification of that bracket or not?

Ms Judith Dennis: I am not confident that there has been, no. If you identify an unaccompanied minor, it will cost you a lot of money to meet their needs. You will have to find people to care for them and it is very tempting to think, “They have made it this far. Why are they not managing?”

Lord Cormack: Particularly if they are physically very mature.

Ms Judith Dennis: Yes, and if they are presenting themselves as independent in order to keep safe on the journey.

Lord Cormack: Yes, quite.

Ms Judith Dennis: It is then very difficult for them suddenly switch into, “Actually, what I want is somebody to take care of me like my mum and dad did”.

Ms Kirsty McNeill: We would say that anyone up to the age of 18 is a child or has the full rights of a child. On the point about blurring, we have been pleasantly surprised by the tremendous generosity of the British public in response to this crisis. Their ability to differentiate the political immigration and asylum issues from the deep humanitarian needs of a child has, to our mind, been extremely striking. Whether a child is 16, 18, 11 or 12, their vulnerability to exploitation does not change a huge amount. None of us would want a 16 or 17 year-old of ours to be sleeping rough in a park, train station, church hall or petrol station forecourt, which we have evidence of across Europe. There is the idea that teenage boys somehow have much less legitimacy in the eyes of the public in seeking our protection, but that has not been our experience. The public have responded heroically. Just one agency, Home for Good, has found 10,000 British families who have come forward with an offer to foster, if we can only get these children to Britain.

Lord Cormack: Are those families reasonably geographically well distributed? I have read about some rather moving examples in the Scottish islands, for instance. Are parts of the country noticeably more responsive and more welcoming than others?

Ms Kirsty McNeill: Scotland has taken a disproportionate number. Forgive me if the Committee has already been through this at previous hearings, but the Government decided to bring 20,000 refugees from the Syria region direct to the UK. They set themselves a target of 1,000 before Christmas. Of that 1,000, half were children, and Scotland took a widely disproportionate share of those compared to its size of population. Our understanding is that that was led more by local authorities, although the Scottish public have been tremendous. It

was to do with the readiness of local authorities and the degree of integration by COSLA of Scottish local authority provision.

Lord Cormack: Materially assisted by the Scottish guardianship system, or not?

Ms Kirsty McNeill: Judith may have more expertise on that.

Ms Judith Dennis: No, because they deal with separated children, and thus far we have not brought separated children under the resettlement scheme.

Ms Kirsty McNeill: The Scottish Government were very fast off the mark, for which I give them credit, in bringing together local authorities and civil society in a very public-facing co-ordination mechanism: the Scotland Welcomes Refugees website. The Home Office was rather slower to do that. One reason why we advocated their doing that and were so pleased when they responded was that we were overwhelmed, as I am sure Judith and other colleagues and agencies were, by seeing the public desperately wanting to find ways to do something. People were saying, for example, “I have 15 spare mattresses from clearing out a hostel”, and coming forward with all sorts of intensely practical forms of support with absolutely no co-ordination whatever. So we asked the Home Office to do a more public-facing act of co-ordination, as well as the local authority ones that they had done. We all took lessons from Scotland on that, I think, because the Scottish Government acted extremely swiftly.

Q37 The Chairman: What about the treatment of unaccompanied minor in hotspots? Do you have any observations on that?

Ms Judith Dennis: I have no personal experience, so I have only what I have heard. It is certainly very alarming that they are being detained and that identifying people who have family members elsewhere is not a priority. Of course, we are completely alarmed by the latest deal, which seems to be about hotspots and identifying people who can go back. We do not support that at all. If hotspots were about having a safe space where people could be identified, registered and potentially moved on, as I believe was originally intended, that would be a laudable aim, but in practice what is happening in the hotspots is very worrying.

Ms Kirsty McNeill: Our sense is that they are completely overwhelmed. What is going on is a wider unwillingness of European Governments, including unfortunately our own, to treat the humanitarian crisis that is happening inside the European Union with the seriousness that it deserves. The UK Government deserve extraordinary credit for their response to the Syrian crisis in the region, but Europe is unwilling to say that the fact that people are here means that they are our responsibility now. The public are seeing this unfold on their TV screens night

after night and there is no way of wishing it away. People are here and they are not getting anywhere near the protection that they need.

Q38 Baroness Massey of Darwen: Do you think that our Government's response to the needs of unaccompanied minors has been effective or satisfactory?

Ms Judith Dennis: It has been mixed. To their credit, they have tried to take a cohesive approach. In England, my perception is that the Department for Education has become more involved. Central government has been trying to assist particularly with the numbers of children who are not getting the services that they need in Kent, for instance. It is possibly a little late in the day, but it is still to their credit. They funded us to have a special team at Dover when they realised that the reception arrangements for children arriving there were not adequate, and they are to be credited for that.

A couple of things have become worse. One is age disputes involving young people who are arriving, as I mentioned earlier. Afghan young people in particular do not have documentation. That is a reality of life in Afghanistan; they do not have evidence of their age. We are seeing a huge number of those being age-disputed, and one worries about that. Meanwhile the Dublin III regulation came into force in January 2014, but the UK Government have still not updated their guidance. It does not reflect the law or tell people what to expect. It does not routinely give people information about their rights under Dublin to be reunited with their family. It is very disappointing; the law is there but the practice is not.

Baroness Massey of Darwen: You mentioned the Department for Education. In what way has it been particularly helpful?

Ms Judith Dennis: It has become more involved in conversations. Traditionally, the Home Office has both funded local authorities and provided policy for them. In the last couple of years, we have seen the Department for Education, which of course is responsible for standards of care, assessment and assessment guidance—that kind of thing—and it has become much more involved in this work. The Home Office and local authorities are still involved, but I would say that we have seen some improvements in involvement.

Baroness Massey of Darwen: Does that include getting children into schools?

Ms Judith Dennis: There is the question of how much support is being given to local authorities to do that. Of course, it is the local authority's responsibility to help looked-after children to get into schools. The problems that have occurred because of the numbers of children in particular areas have been a challenge for everyone, but they have certainly been trying to help.

Q39 Lord Condon: The EU has adopted a range of legislative and policy instruments to try to harmonise and standardise procedures in the areas that we are discussing. How effective and helpful are these EU-wide policies in enabling you and yours to do your work? What more would you like to see emerging at EU level to help to support the work that you are trying to do?

Ms Judith Dennis: In terms of instruments, the problem with the UK, of course, is that we did not opt in to the recast directives. We have already talked about guardians, as previous panels have. The definition of a guardian in the recast directives establishes that they must be independent. In the directives that the UK has signed, the definition is weaker, and it allows the UK to say, “We don’t need guardians because we have social workers”. Of course social workers do a magnificent job, but they are not independent of the state and of the services that are given. Family reunion is the obvious example of where we have not opted in. We do not take a view on whether or not the UK should opt in to that, but we do take the view that it should give at least the same rights as other European member states. So it is not so much about the instruments themselves as about the UK choice of opting in. While there is a lot about the Dublin regulation that is entirely unsatisfactory, the family unity clauses—under Article 8, in particular, on the rights of unaccompanied children to be joined with their family under the asylum process—are actually very good. The regulation is littered with reference to “best interests” and really tries to do good. So the question then is about the implementation.

Ms Kirsty McNeill: From our perspective, the first thing to say about the European policy framework is that it is a political framework that has fallen out into policy, rather than a policy framework that has been endorsed politically. By that, I mean that it has changed very fast over the course of this crisis in response to political and electoral realities across the countries. We saw that the decision was taken at the weekend was not remotely compliant with the best interests of children or standards of international law. The decision on one in and one out is an entirely political one that we think could and should be reversed in exactly the same way in which it was made—that is, politically. For us, the first thing about the European response is that the politics has to look at protecting children and their lives, rather than protecting borders. The primacy of those two has been flipped in exactly the wrong direction in the course of this crisis.

On the question of what a pan-European response could look like, we launched a five-point plan last year, one of the highlights of which was an expansion of safe and legal routes into Europe. People are taking desperate and dangerous journeys, because what is behind them is

so much more frightening than what is in front of them. We are putting people in needless and senseless danger.

Lord Condon: Could you expand on that a bit? How would safe and legal routes work? What would they look like if they were operating today?

Ms Kirsty McNeill: To put this into context, since Aylan Kurdi's photo was published last September, an average of two children have drowned every day. People are taking to boats when they need not, so a safe and legal route could mean something like a humanitarian visa: people could apply for protection in an embassy or consulate without having to make that journey. It could be an expansion of private sponsorship schemes, or an expansion of studying or work visa programmes. There were other ways of getting people to protection that do not involve this acutely dangerous transit route into Europe. As I say, we have lost 400 people, drowned or missing in the Med, just since the start of the year. Lots of those are children, because one of the other things that we have seen since this time last year is that the proportion of people coming into Europe who are children has increased.

On your earlier question about whether these are primarily young men, that was a reality earlier in the crisis, but as the crisis has developed we have seen that more and more families are leaving Syria, and more and more children are coming on their own, in part because nowhere is safe where they are. Before, people were internally displaced in the region, but now there is nowhere safer than to go, so they are coming in greater numbers. An expansion of safe and legal routes might deal with the tragedy of those two children dying every day, and an improvement in the procedures of registration, identification and registration across Europe would help. We have already touched on the completely arbitrary "nationality, not need" basis of assessment for whether you get through a border. Right now, in freezing temperatures, thousands of children are trapped at the Greek-Macedonian border, where decisions are being taken on the basis of where they have come from, not what their needs are. There are plenty of European policy responses that could be improved, but the policies will not change until the political consensus is reached that actually this is a humanitarian crisis, not the normal sort of public policy debate about immigration that might traditionally have been understood.

Q40 The Chairman: In that context, could I ask you about the EU action plan on unaccompanied minors? Has it had any impact of any significance on the member states' practices? Should it be renewed? If the answer is yes, what should its priorities and focus be?

Ms Judith Dennis: One of the great things that it did was focus member states and central EU funding on projects that looked at identifying good practice through genuinely investigative

means. It has funded and actioned a lot of research and projects such as the one that we were involved with, across seven member states, that looked at implementing Dublin. It had an element to it of research and designing a system, but it also looked at piloting in practice how it could be made better. That is just one example. It has funded an awful lot of good research into durable solutions, which of course was one of the strands, and into guardians. Part of the problem is that it is not always then implemented by individual member states, and perhaps a future action plan could look at how that could be done. Of course, NGOs that are involved in those projects will try to lobby in their own countries, but we are missing something when it comes to being able to say, “I know, because I have visited the Netherlands and looked at this project”, or, “I have talked to people in NGOs and member states about how this works”. They have to do the same. There could be more co-ordination through the action plan to ensure that we have captured that learning and that we know what good practice is. It would not be too difficult to find out what we think good practice is across EU member states and to try to implement that.

I think that there should be another EU action plan, but we have to recognise that the aims of the last one have not yet been achieved, such as on durable solutions. One of the projects that it funded reported only last year, but it needs working on now. We know now what is happening across several European member states with regard to finding durable solutions for unaccompanied children. Let us encourage people now to do that. Maybe that is where some of the action plan could focus its attention.

Ms Kirsty McNeill: From our perspective, it has been somewhat overtaken by events. Obviously in previous sessions you touched on the UK’s relationship with and posture towards pan-European policy. To our mind, the more co-ordination the better in the best interests of children. Even if the UK chooses to plough its own furrow, in policy terms there is much more that it could be doing. For example, in 2008, it had a policy with Malta to relocate directly from Malta to the UK without going through a European system. The UK is perfectly capable of doing bilateral agreements if it wants to get unaccompanied children to safety here in the UK.

The numbers that we are talking about are not large. To put it in context, we know that there are more than 80,000 unaccompanied children in Europe; bringing 3,000 of them to the UK does not correspond to the magnitude of the problem. In terms of the UK’s geographical footprint, that is just five children per parliamentary constituency. This is profoundly manageable and the UK could do that without even going through an EU policy process,

although we want to see it doing more of that too. There is plenty that could be done bilaterally, and we want to see that done as a matter of urgency.

Q41 Lord Ribeiro: You mentioned earlier the Europol figures of 10,000 disappeared children, which is quite an alarming figure. What happens to the unaccompanied minors when they disappear from care in the UK? Are the procedures in place good enough to track them down? Are they fit for purpose?

Ms Judith Dennis: More could be done in response to children going missing from care in the UK, not just unaccompanied children but all children. Certainly, there could be better working between the police, social workers and carers and so on, with everybody knowing what their responsibility is and how important it is to work quickly. But we need to focus on how to prevent those children from going missing in the first place. It worries me that children go missing at particular points in the process and that resources are not necessarily matched up to that. At the beginning of the process, when children do not know who to trust, a guardian could help with that. But it is about protective placements for all; good foster placements for all unaccompanied children, or at least for the older ones placements where they know somebody cares about them and cares whether they went to school that day. It is not just about turning up on a Thursday to give them vouchers or some cash and check they are still living there so that the Home Office can be told.

We know how to look after children and keep them safe, but we probably will never have no unaccompanied children go missing. They are frightened. They might be moving on because they want to reach family or members of their community. Actually, we could do a lot more to prevent them from going missing in the first place by making sure that we provide those protective placements. I worry that, although we are looking at children whom we know have been trafficked and we are trying to provide better protection for them, it is not possible to tell always at the beginning how vulnerable somebody is to exploitation.

Lord Ribeiro: That is the point that I was going to follow up. Can you differentiate between those who are trafficked and those who are not? The expectation would be that trafficked children would go to ground.

Ms Judith Dennis: We know that some trafficked children do go missing in those early days. Some of the problem for lots of the trafficked children we work with is that they are age-disputed, so we spend our time battling with the local authority to have them accepted as children. In the meantime, they do not know who to trust. Local authorities are sending them away, saying they are adults or telling them they have to go to the Home Office and make an application before they can be cared for. All those things are still happening. We need to

switch to protecting the child first, as our legislation allows, and then look at whether or not there are reasons why we need to either move a child or provide particular extra support. I worry that we focus on those who we know have been identified as having been trafficked and not those who are vulnerable to exploitation. Nobody is helping them: nobody is helping them get into college; they do not have a social worker; they have been interviewed a couple of times but do not know what is happening with their legal status. If someone else offers them work and to be looked after, that is a choice that some young people are taking even when they have not been trafficked in the first place.

Ms Kirsty McNeill: I completely defer to Judith when it comes to the experience of children in care in the UK. Our experience is that one reason why children disappear across Europe is that they have completely lost faith that a system will deal with them in a way that is remotely appropriate or timely. They know that even if they were allowed to access family reunification rights, a status that can be accessed only once you already have refugee status, it could take them 10 to 12 months. Children are losing faith in that because it is taking so long. They are aware of their own vulnerability. They know that they are not protected in the meantime, so they are desperate to get to family elsewhere in Europe as fast as they possibly can because they think that another channel will take them too long.

Q42 Lord Ribeiro: Sticking with the UK, another statistic that you came up with is that there are 10,000 potential British foster parents who would be able to take on these children. We have talked a lot about guardians. Would you consider foster carers to be independent, in the same context as guardians are? Your criticism has been that social services, which the UK Government have been using, are inadequate to fulfil the role because they are seen as a state-organised entity.

Ms Judith Dennis: Once a child is accepted into the system as a child, and their age has been determined—age disputes do not occur only around whether you are an adult but also around whether you are 14 or 16 and therefore whether you get a foster placement—and they have a protected placement with a good foster carer, the role of an independent guardian in those circumstances is minimum. They might help out, but the role would be minimal. They could then focus on the next child who has just arrived and needs that intensive support.

Lord Ribeiro: So are you suggesting that the role of the guardian is for those over the age of 14?

Ms Judith Dennis: No. I am suggesting that the need is possibly more acute at the beginning of the process. Once a child is in a system, have had their protection needs recognised and have been given some leave, the role of the guardian in protecting that child's best interest

might be less because their best interests are being met ordinarily. Foster carers have a role in caring for that young person, but not necessarily in getting involved in helping decision-makers to decide what should happen to that child in the future. There is that distinction, although of course they would work very closely together. The guardian is a co-ordinator and deals with everybody.

Lord Ribeiro: Do you think that there is a need for more interagency and cross-border co-operation?

Ms Judith Dennis: In terms of children going missing, I suspect so. It is not my area of expertise. As Kirsty said, we need to look properly at why those children go missing. It is not always appropriate to have a response from border forces. NGOs might be able to play a better role in ensuring that children have the right information at those points. More co-operation between those who actually see the children on the ground and those who make decisions about them might help. I am sure that there is much more to do.

Q43 Lord Cormack: This is a terrible problem that we are dealing with. I get the impression more and more, and we have had expert witnesses to back it up, that unaccompanied minors have always been a problem. But the crisis has turned it into a real catastrophe because of the events of the last two years. We are bedevilled in trying to get reasonably accurate statistics. You two ladies have enormous experience over quite a long time. Do you have any idea of the sorts of numbers who disappear?

Ms Judith Dennis: I do not. Estimates of children disappearing fail to see the different groups of children. I do not really know what can be done other than to try to do better at keeping children where they are first identified in a way that protects them rather than leaving them feeling like they are being punished. They need to be given accurate information and prevented from travelling and going missing. Of course there will be lots of instances of counting the same child in different places because the child has moved. I am not sure that I can help on the question of how to get better, more accurate data on that.

Lord Cormack: Do you think, as I do, that the existing systems throughout the EU are being overwhelmed at the moment?

Ms Judith Dennis: Such as the system of reception?

Lord Cormack: Reception, identifying, dealing with, trying to prevent disappearance. It seems to me that all the things that should be being done are not being done terribly well, not because of a lack of good will—quite the contrary—but because the systems are overwhelmed.

Ms Judith Dennis: There has been a practice, which we see in the UK and in other member states, each time the numbers rise, or children turn up in one country and then in another a few years later, and another country becomes the top destination country, of seeing it as a succession of crises that you deal with on a very temporary basis and then stop dealing with. We need to understand that this is an ongoing, protracted issue for the EU and the UK, and we need to make sure that we keep those who know what they are doing so that they can train people to do more than a job for four months in Greece. We need decision-makers trained in working with children and people who know how to conduct a proper age assessment. Unfortunately, if we just see these crises as just a little hurdle each time, we will always run into those problems.

Lord Cormack: In this context, with the UK in particular and Europe more widely, could there be much better co-operation between national bodies and professionals like you who have responsibilities?

Ms Judith Dennis: Yes. One of the good examples is our working together on some of the projects that I talked about earlier. It is really interesting being involved in projects where the state authorities as well as NGOs are part of that. You see a lot of shared concern and shared ideas, and if we could expand that it would be to the benefit of those in need of our help. For instance, at the moment we see the Dublin regulation working very slowly. I have not yet seen a person in a Dublin unit who is an expert on children and how to deal with those clauses. There are experts in NGOs; I worked with some of them in Italy and Greece. There are people who know what they are doing.

Lord Cormack: So the resources are not being tapped as they should be.

Ms Judith Dennis: Absolutely. Get them not just to identify people. We know that some NGOs are being funded to identify unaccompanied children at Calais and in Greece, et cetera, but are we funding them then to sit in the Dublin unit and process that claim? I do not think so. So we are missing something.

Q44 Lord Cormack: A very natural supplementary question to that, because after all we are in Parliament, is whether there is sufficient ministerial interest, involvement and desire for the right solution. I am not asking you to name individual Ministers and hold them up for shame, but do you think there is sufficient involvement at the decision-making level?

Ms Judith Dennis: I think that the problem is that Ministers see themselves as protecting our borders and preventing more people from coming here. We have heard in recent debates the notion that a family would send a child here in order that the remaining children may follow, and that has been given as the reason not to give them the right to live with their family

members when they have been recognised as a refugee. Their public statements are very much about keeping the numbers down and making sure that we are in control of those numbers. I am sure that, privately, Ministers feel very concerned about this crisis and I know that lots of politicians are seeking the right solution, but it is difficult to hold those two things together.

Ms Kirsty McNeill: From our perspective, “overwhelmed” is exactly the right word, but I stress that it is not only the formal child protection system that is overwhelmed. Every form of service is completely overwhelmed. I do not know whether you saw the recent press coverage of a newborn baby being washed in a puddle on our continent in 2016, but it is not simply a case of there not being enough child protection specialists. If we were not in Lesbos, for example, distributing 8,000 hot meals a day that have been paid for by the British public and their generosity, no hot food would be distributed. If we were not there giving warm blankets and clean clothes to children who are soaking, they would get hypothermia, because those services are not being provided. I would not want anyone to think that the failure to provide services is technical. The system is completely unable to fulfil people’s absolutely basic needs and rights right across the continent.

Lord Cormack: So “overwhelmed” is the word that we should stress.

Ms Kirsty McNeill: Yes.

Q45 Baroness Massey of Darwen: Do your organisations collaborate with other civil society organisations in the EU in, for example, identifying, tracing or facilitating family reunification? How does that work?

Ms Judith Dennis: Where we can. In some of the projects I have worked on, we have joined together and then remained in touch. Where organisations such as guardianships systems have a similar role to our children’s panel, we will talk to each other. The states are responsible for registering children and therefore we do not always get to know about them or have the resources to do that. We do what we can, although I am sure that more could be done.

Ms Kirsty McNeill: In Calais, for example, we work entirely through partners in our work with children in the camps. But there is always scope for greater collaboration.

Baroness Massey of Darwen: Do you have a list of organisations in the EU that you collaborate with?

Ms Kirsty McNeill: Not with me, but I can certainly follow up on that.

Baroness Massey of Darwen: Could you send us that information?

The Chairman: That would be useful.

Ms Judith Dennis: You have had a submission from the Separated Children in Europe Programme, which involves a lot of the NGOs that look at the rights and needs of separated children and the way that they are treated. The membership of that will be relevant to you.

Baroness Massey of Darwen: Good. Thank you.

Lord Ribeiro: I have a quick supplementary question. You mentioned the image we all saw of the child being washed in a puddle. Britain has always had a reputation for its humanitarian concerns, going back to wartime. Do you, through the Red Cross, feel that the same level of support comes from other organisations, such as the Red Crescent and others?

Ms Judith Dennis: They are performing a lot of services across Europe.

Lord Ribeiro: That is what I am asking.

Ms Judith Dennis: Lots of NGOs, including the Red Cross and other humanitarian agencies, are helping. Of course, so are members of the public in other member states. People have talked about how much the Greek public have helped.

Lord Ribeiro: Those organisations perhaps do not have the same profile that our own tend to have in this country.

Ms Judith Dennis: Possibly. Certainly when I talk to NGOs in other member states, I feel that we need to recognise how much civil society is consulted in this country and how we are welcomed into discussions, both with parliamentarians and officials at the Home Office. They do meet us. I know that that is not always the same in other member states.

Q46 The Chairman: Could I ask another question about children turning 18? Are there durable solutions for their care and housing provision?

Ms Judith Dennis: The very quick answer to that is no. There are some better outcomes for children who have refugee status. They are recognised as refugees before the age of 18 and we properly follow the rules on what they are entitled to. If they get their refugee status before they are 18, they do not come up against so many of the problems in accessing services that adults do. But those children who are given temporary leave on the basis that they are children are suffering terribly in their protection needs and, as has been identified for many years, their leaving care provisions. We recognise how much children need help in that transition to adulthood. For most of us in this country, we do not suddenly feel and behave like adults when we turn 18. That has been recognised by this Parliament and in very good guidance. Of course, if you have been given only temporary protection, you are just not benefiting from that at all. The moves in the current Immigration Bill are very concerning indeed.

Ms Kirsty McNeill: We have seen from the public a tremendous sense of the Kindertransport as an iconic bit of British history. It has been constantly referenced in the media, and

supporters have said how tremendously moving it is that those Kindertransport children, having come of age, are now enriching our public life so fulsomely. There is a sense among the public that we have done this before, when 10,000 children were rescued from Nazi persecution, and that the children who stayed and became British have enriched us all. In answer to your question, the UK public have been absolutely tremendous. That is not to denigrate the public of other European countries, but I cannot stress enough how overwhelmed we have been by their generosity, compassion and foresightedness about the long-term consequences of this crisis.

Lord Cormack: That is very reassuring.

The Chairman: Thank you very much indeed for your evidence and time this morning. As I said at the outset, if there is anything that you want to supplement with further written evidence, it would be gratefully received.