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Home Secretary

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Sept 12th 2016

Dear Caroline,

Thank you for your letter of 12 August regarding the ongoing refugee crisis and the situation in Calais and Dunkirk, and highlighting your support for a number of recommendations made in the Home Affairs Select Committee's recent report on 'The Migration Crisis'.

The Government's response to this report will be published later in the year. The Government recognises the plight of vulnerable children in the migrant camps in Calais and Dunkirk and we are taking action on a number of fronts to address this issue.

The Government is fully committed to the implementation of the 'Dubs' amendment in the Immigration Act and to the efficient and timely operation of the Dublin Regulation. Under the Dublin Regulation, over 120 unaccompanied children have been accepted for transfer so far this year, compared to around 20 children in the whole of 2015. Under the 'Dubs' amendment, over 30 unaccompanied children who meet the criteria in the Immigration Act have been accepted for transfer since it received Royal Assent in May, the majority of whom have already arrived in the UK. Unaccompanied children are being transferred from other European countries on an almost weekly basis.

The Government is clear that any decision to bring over an unaccompanied child to the UK must be in the best interests of the child and lawful under both EU legislation and the domestic law of the European countries where they are identified. We must respect the sovereignty of EU Member States whilst working with them to ensure the timely transfer of unaccompanied children who qualify for admission to the UK. This position was recently confirmed in a Court of Appeal judgement ("ZAT and others"), concerning child asylum-seekers from the Calais camp. The judgment ruled that asylum seekers in another EU Member State wishing to join family in the UK must go through the proper Dublin process, other than in the most exceptional cases.

We began work to implement the Dubs amendment immediately after the Immigration Bill gained Royal Assent with discussions taking place at all levels across Government and with our European partners. We continue to work with the United Nations High Commissioner for Refugees (UNHCR), UNICEF, non-governmental organisations (NGO) (including Citizens UK and Save the Children) and the French, Italian and Greek Governments to strengthen and speed up mechanisms to identify, assess and transfer children to the UK. We have established a dedicated team in the Home Office Dublin Unit to lead on these cases.

As the former Prime Minister David Cameron announced, we are prioritising cases where unaccompanied children have existing family links in the UK. In cases where there is no family member in the UK, we are working closely with partners to identify children whose best interests would nonetheless be served by transfer to the UK. These cases are often complex and we need to vary our approach depending on the EU Member State involved. In the case of an unaccompanied child in France who does not have family ties to the UK, strong evidence would be required that transfer to the UK is in the child's best interests, given that the legal obligations for the safeguarding of children in France are comparable to those in the UK, both in law and practice. Despite that we are working with the French authorities to explore the potential to identify such cases.

I know that the Calais camps are a particular concern of yours. We have public assurances from the French authorities that no child (or adult) has to stay in the camps in France if they are willing to take up the offer of unconditional support by the French authorities. We know that the operational environment in Calais is challenging and are providing what support we can to improve that but it is still very clear that those based in the camps can and should engage with the French authorities to allow them to leave the camps for safe and secure accommodation. Nearly 5,000 migrants have done so since the autumn.

The UK and France are working hard to protect those vulnerable to trafficking and exploitation, and have put in place a programme to identify and help potential victims in the camps around Calais. The project to identify and protect vulnerable people in the camps in Calais is being delivered by a French NGO, France Terre D'Asile. It will find potential victims of trafficking and exploitation, including children, and direct them to existing protection, support and advice within France. The UK has contributed £530,000 (€750,000) towards the costs of this project.

We are aware of further efforts by NGOs to identify and support children in Calais, and we have encouraged joint-working between UK NGOs and the French authorities. On 5 August, Home Office officials attended a constructive meeting, hosted by the Sous Prefet, where it was agreed that the French Government would provide further resources to NGOs to identify and support children in the camps. At the meeting the Sous Prefet also agreed to continue to work with partners.

The Government is highly supportive of any efforts to improve arrangements for identifying and supporting unaccompanied children in Calais and has agreed, following this meeting, to second another UK official to the French Interior Ministry to work on this issue.

To support the needs of vulnerable refugee and migrant children arriving in Europe, the UK has also established a £10 million Refugee Children fund. Support will include identifying children in need, providing safe places for at risk children, data management to trace children to their families, and services such as counselling and legal advice.

The Government takes its responsibilities towards all children extremely seriously, but the migrant crisis has placed significant pressure on local authorities in the UK which we are working hard to alleviate. There were 3,472 asylum claims from UASC in the year ending June, a 54% rise compared to the year ending June 2015. This has placed significant pressure on local authorities such as Kent, which is currently caring for a disproportionate number of children. We have always been clear that unaccompanied children will be treated the same irrespective of their method of entry to the UK, including those arriving clandestinely. To ensure there is a fairer distribution of unaccompanied children across the country, we launched the National Transfer Scheme in July. We are clear that no local authority should be required to care for more children than its local services can cope with. While we are extremely grateful to those local authorities who have signed up to the scheme, we need more to come forward if we are to provide all unaccompanied children coming to the UK with the support they need.

I can assure you that the Government remains committed to supporting local authorities in the UK and working with France to address the issues faced by unaccompanied children in Calais and Dunkirk. I would welcome any support you can offer to encourage local authorities to participate in the National Transfer Scheme.

Best wishes,



The Rt Hon Amber Rudd MP