

Policy Statement:

Section 67 of the Immigration Act 2016

Background

Section 67 of the Immigration Act 2016 states:

Unaccompanied refugee children: relocation and support

1. The Secretary of State must, as soon as possible after the passing of this Act, make arrangements to relocate to the United Kingdom and support a specified number of unaccompanied refugee children from other countries in Europe.
2. The number of children to be resettled under subsection (1) shall be determined by the Government in consultation with local authorities.
3. The relocation of children under subsection (1) shall be in addition to the resettlement of children under the Vulnerable Persons Relocation Scheme.

Progress to date

In 2016, the UK transferred over 900 unaccompanied asylum-seeking children to the UK from Europe. This included 220 children pursuant to section 67 of the Immigration Act 2016, in accordance with the published criteria in place at the time of the Calais camp clearance.

Following consultation with local authorities on capacity, the Government announced that the specified number of children to be transferred under section 67 will be 480. This number includes those children already transferred under section 67, and is exclusive of children transferred under the family reunion criteria of the Dublin Regulation.

Basis for further transfers under section 67

The Government has invited referrals of eligible children from France, Greece and Italy. It will be the responsibility of France, Greece and Italy to decide which children to refer, with reference to the information set out below.

i. Who is eligible?

To be eligible for transfer to the UK under section 67:

- it must be determined, following individual assessment, that it would be in the child's best interests to come to the UK, rather than to remain in their current host country, be transferred to another EU Member State, or to be reunited with family outside of Europe.

In deciding which children to refer, France, Greece and Italy will be asked to prioritise unaccompanied children who are:

- likely to be granted refugee status in the UK; and / or
- the most vulnerable, due to factors which could include but are not limited to, the UN High Commissioner for Refugee's *Children at Risk* individual risk factors. These risk factors include child victims of trafficking and sexual abuse; survivors of torture; survivors of violence; and, children with mental or physical disabilities.

The full list of individual risk factors can be found on page 186 of the following publication: <http://www.unhcr.org/46f7c0ee2.pdf>.

To be eligible under section 67 a child should be under 18 at the point of transfer to the UK. Participating States will not refer children to the UK who are likely to turn 18 within the anticipated timeframe between referral and transfer.

The Home Office will run security and identity checks and may reject a transfer if there is reason to believe that admission of the individual to the UK would not be conducive to the public good or that the individual is using a false identity.

ii. What will the process be for identifying, assessing and transferring children?

The Government is committed to working closely with France, Greece and Italy to deliver our commitment under section 67, but we can only operate in ways agreed with those participating States and within their legal frameworks. The UK will provide support to participating States, working closely with partners and nongovernmental organisations to facilitate the process, including through our secondees in the participating States.

Before a child can be transferred to the UK, they must have an individual Best Interests Determination. If it has been determined that transfer to the UK is in

the child's best interests and no concerns are raised by security and identity checks, a referral will be made under the National Transfer Scheme for a placement with a local authority in the UK. Children will not be able to choose the area of the UK where they are to be placed, but if there are particular reasons that mean it would be in the child's best interests to be accommodated in a particular area, these will be taken into account. Once a suitable local authority placement in the UK has been found, the UK will work with the participating State to facilitate the transfer of the child to the UK. A child transferred under section 67 will be eligible for grant of section 67 leave. Section 67 leave does not affect the child's right to make an application for asylum.

iii. What happens in the UK?

A child will be matched with an appropriate placement in a local authority according to their particular needs and circumstances, as far as is possible. This could include foster care or in supervised semi-independent accommodation. Local authorities receive £41,610 per annum for each unaccompanied asylum-seeking child.

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