

# Detailed Process

## Transfer of minors to the UK from France under section 67 of the Immigration Act 2016

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### 1 Purpose

- 1.1 This document sets out the process to enable the safe and efficient transfer of a specified number of unaccompanied asylum seeking children (UASC) currently resident in France to the UK under section 67 of the UK Immigration Act 2016.

### 2 General

- 2.1 'Unaccompanied child' refers to a non-EU national or stateless person below the age of 18 who arrives on the territory of a European state unaccompanied by an adult responsible for him/her, and for as long as s/he is not effectively taken into the care of such a person, including a child who is left unaccompanied after s/he has entered the territory of the European state.
- 2.2 'Unaccompanied Asylum Seeking Child' (UASC) refers to an unaccompanied child who has either sought asylum in a European state other than the United Kingdom or indicated an intention to seek asylum in the United Kingdom on arrival in the United Kingdom. For the purposes of clarification, the term 'unaccompanied child' as used in this document and other related documents is identical to the term 'UASC'.
- 2.3 'Section 67' refers to section 67 of the UK Immigration Act 2016 which states that:
  - (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.
- 2.4 On 8 February 2017 the UK's Immigration Minister announced that the specified number for the purposes of section 67 would be 350. This number was subsequently increased to 480 on 26 April 2017.
  - 2.5 The UK has asked France to refer 100 unaccompanied children to the UK for transfer under section 67.

### 3 Eligibility

- 3.1 On 20 December 2018 the Home Office published an updated policy statement setting out the basis on which future transfers of unaccompanied children under section 67 from Europe will be made, and can be found here:  
<https://www.gov.uk/government/publications/policy-statement-section-67-of-the-immigration-act-2016>
- 3.2 In order 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.
- 3.3 In addition, the child must successfully pass security and identity checks conducted by the Home Office to be accepted for transfer. The Home Office will conduct security and identity checks based on biographical information only and will not require biometric data prior to transfer. Biometrics will be taken on arrival in the UK.
- 3.4 In deciding which children to refer participating States are 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 Refugees' (UNHCR) 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>.
- 3.5 Provided the children meet the eligibility criteria, the decision as to which children to refer lies with the French DGEF. The UK will only conduct security and identity checks and will

not make an assessment of the child's level of vulnerability or their likelihood to qualify for refugee status in the UK.

- 3.6 To be eligible under section 67 a child must be under 18 at the point of transfer to the UK. France will not refer children to the UK who are likely to turn 18 within the anticipated timeframe between referral and transfer.
- 3.7 Unaccompanied children transferred to the UK under section 67 will be in addition to those transferred under the Dublin III Regulation. Before referring a child under section 67, France will first make an assessment of whether the child has claimed family links in the UK, and if so whether to make a take charge request under the Dublin III Regulation. Where this applies, the child's case will be progressed via the Dublin route.
- 3.8 France may refer children to the UK for consideration under section 67 where they have previously been considered and rejected by the UK under the "expedited process" operated during the Calais camp clearance to transfer children to the UK who have a family relationship in the UK that would qualify under Articles 8.1 or 8.2 of the Dublin Regulation. For these cases, where France has made a referral under section 67, the UK will process the cases under section 67. However, if in these cases the UK becomes aware of new evidence, not previously considered under the expedited process, which confirms that the child has a family relationship in the UK that would meet the substantive criteria under Article 8.1 or 8.2 of the Dublin Regulation, but for whom no take charge request has been received, the UK will not count the child towards the specified number for section 67, and will ask France for a further referral under section 67. The child will remain in the UK to have their asylum claim processed. The child may be placed to live with their family member if this is determined to be appropriate by the relevant local authority.

## 4 Identification

- 4.1 Provided children meet the eligibility criteria as outlined above, the French DGEF will decide which children to refer.
- 4.2 The DGEF will identify children likely to meet the eligibility criteria via two routes:
  - (i) children who are already within the French child protection system but for whom transfer to the UK may be in their best interests; and
  - (ii) children who are on the territory of France but who are not within the French child protection system.
- 4.3 The DGEF will identify children eligible under route (i) by liaising with French social services in charge of unaccompanied children.

- 4.4 UNHCR will assist the DGEF with identification of children under route (ii). The DGEF will liaise only with UNHCR. UNHCR may choose to liaise with other organisations acting on behalf of children.
- 4.5 The DGEF will decide which children will be referred to the UK for consideration under section 67. A referral to the DGEF does not guarantee a referral to the UK. Section 67 does not establish a right for any child present on French territory to be transferred to the UK.

## 5 Referral to the UK and UK checks

- 5.1 On referral to the UK, the DGEF will provide key biographical information on the child to the UK using Child Information Form 1.
- 5.2 The UK's European Intake Unit (EIU) will run identity and security checks on the child based on the biographical data provided.
- 5.3 An individual will not be accepted if the checks reveal that:
- there is reason to believe that the individual is using a false identity; or
  - there is reason to believe that admission of the individual to the UK would not be conducive to the public good.
- 5.4 After the checks are completed an answer will be sent to the DGEF within 5 working days of Child Information Form 1 being received by the Home Office. If no concerns are raised, the EIU will issue a provisional acceptance letter using the S67IA Provisional Accept Letter template.
- 5.5 Acceptance by the UK at this stage is provisional on it being determined, following individual assessment, that it would be in the child's best interests to come to the UK. This will come either in the form of a BID completed by UNHCR or a letter of approval from a French judge (see section 6).
- 5.6 The communication of a provisional acceptance to the child will be the responsibility of DGEF. The DGEF can decide to share letters from the Home Office with their child and their representatives (if they have representation). The issuing of a provisional acceptance letter at this stage is not confirmation that the child can be transferred straight away. Only when the EIU send a second letter giving confirmation of the location of the local authority placement may a transfer be organised (see sections 6-9).
- 5.7 In cases where any of the grounds for refusal listed at 5.3 are raised, the Home Office will issue the DGEF with a rejection letter (S67IA Reject Letter) providing reasons for the decision. The DGEF will inform the child and any representative of the decision, including passing on the letter from the Home Office to the child and/or their representatives.

- 5.8 In the event of a rejection, if the child and/or their representatives wish to provide further information that they believe would change the Home Office's decision under 5.3, they will send this directly to the Home Office within 10 working days of receiving the Home Office's letter from the DGEF. Details of this process will be provided in the rejection letter. The Home Office will consider the information and if the decision is to reverse the original rejection, the Home Office will send a provisional acceptance letter to the DGEF within 5 working days. The DGEF will then inform the child and any representative of the decision, including passing on the letter from the Home Office to the child and/or their representatives. If the decision is to maintain the original rejection, a letter confirming this will be sent directly by the Home Office to the child and/or their representatives.

## **6 Best Interests**

- 6.1 Following receipt of a provisional acceptance letter from the UK, the child will be put forward for an assessment of best interests.
- 6.2 For children outside of the child protection system, the assessment of best interests will be conducted by UNHCR according to the UNHCR's standards for conducting these assessments. The assessment will consider a range of options for the child, including transfer to the UK, remaining in France or returning to their country of origin. The assessment will be formalised by a letter to DGEF.
- 6.3 For children within the French child protection system, following consultation with the child's social workers, a French judge will decide if it would be in the child's best interests to come to the UK.
- 6.4 In both cases, a form will be completed containing key information about the child to inform the placement of the child in the UK, using Child Information Form 2. Where additional information has been collected as part of the best interests process that can be shared with the UK, this will be provided along with the Child Information Form 2.
- 6.5 Where the assessment of best interests has indicated that it would not be in the child's best interests to come to the UK, the child will remain the responsibility of the French authorities.

## **7 UK local authority placement**

- 7.1 On receipt of Child Information Form 2, the UK will seek a suitable local authority placement in the UK.
- 7.2 The EIU will notify DGEF of the local authority placement within 10 working days of the receipt of the Child Information Form 2 for straightforward cases. For more complex cases, for example a child with specific medical needs, more time may be needed to identify a suitable placement.

- 7.3 The Home Office will send a S67IA Confirmation of Transfer letter to the DGEF and IOM once a local authority placement has been secured, detailing the location of the placement. No transfer to the UK can take place until this letter is received.

## **8 Sign off by judge (Child protection route)**

- 8.1 For children within the French child protection system, once a local authority placement in the UK has been found, sign off by a judge in France will be sought to agree to transfer the child to the UK.

## **9 Transfer to the UK**

- 9.1 EIU will send the S67IA Confirmation of Transfer letter to DGEF and IOM to confirm that they should prepare the child for transfer. DGEF will communicate the confirmation of transfer to the child as appropriate.
- 9.2 IOM France will liaise with DGEF and EIU to confirm the date and time of transfer. IOM will prepare the child for transfer to the UK in line with the procedures set out in the Framework Agreement.
- 9.3 DGEF will issue the child with a Laissez-Passer travel document to travel if required.
- 9.4 IOM will provide escorts who will accompany the child to the UK until they are handed over to a local authority social worker in the UK.
- 9.5 IOM will aim to arrange transfer to the UK within 2 weeks of receiving the confirmation of transfer letter.

## **10 Arrival in the UK**

- 10.1 While the child is at the airport/international rail terminal in the UK, UK Border Force and the EIU will be responsible for the child's welfare.
- 10.2 On arrival at port, the child will undergo immigration and customs checks, may be granted temporary admission and will be able to register a claim for asylum.
- 10.3 The child will receive a welfare interview at the port and will be given details of how to pursue their claim for asylum, which will also be shared with their local authority social worker.
- 10.4 A representative from the local authority social services will be present at port to meet the child and will provide onward transportation to their accommodation.

10.5 Further details of the rights and entitlements of unaccompanied asylum seeking children in the UK can be found in the document Q&A: Reception of Unaccompanied Asylum Seeking Children (UASC) in the UK under Section 67 of the Immigration Act 2016.

## 11 Data sharing

- 11.1 By referring personal information on children to the Home Office, DGEF will be satisfied that the child has given permission for this information to be shared with local authorities in the UK for the purposes of securing their care placement only.
- 11.2 This also applies to any information collected by the UNHCR on the child that is supplied to the Home Office.
- 11.3 The exchange of personal information between DGEF and Home Office will be conducted via a secure platform in line with each country's domestic and international data protection obligations.

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