



Social Workers Without Borders

Information for Social Work Teams about the Illegal Migration Bill¹

Hello social workers,

We have created this document because we feel it is important that social workers have information about how the IMB will impact social work practice.

We recognise that this document is not comprehensive as it is focused on the impact of the IMB on children and will be of most relevance to social workers working with children and families. It is designed to enable you to have powerful conversations with other social workers and allied professionals, so that we can collectively raise our voice in opposition to the IMB and compliance with policy that will harm the people we work with.



Systems that harm the people we work with harm us too! We cannot carry-out our work as social workers in oppressive working environments!



Please be aware that the IMB poses a huge risk to the safety and wellbeing of people with insecure immigration status. We ask that you are mindful of how frightening this could be for people with whom you are working, and we ask that you do not use information from this briefing in your social work practice in a way that could cause increased stress and anxiety for people potentially impacted by the IMB. **In short, this briefing is designed to help you have conversations with professionals, peers and/or those who occupy more senior positions, it is not a resource for supporting conversation with people who are impacted by immigration and asylum policy.**

Why are we worried about the IMB?

The Government have said that this Bill is designed to deter people from crossing the Channel in small boats. There is no evidence that this kind of hostile and inhumane immigration policy deters people from making these kinds of journeys.² If the Government want to stop people making unsafe journeys, then they must make more safe routes.

If the Bill will not stop people taking unsafe journeys, what will it do? The Bill will give the Home Office the duty to remove anyone who enters the UK via an “illegal” means to their country of origin or a “safe” third country, to have their asylum claim processed. These people will never be able to claim asylum in the UK.

¹ Hereafter, the Illegal Migration Bill is referred to as IMB because we do not want to perpetuate narratives of illegality and migration.

²<https://www.nao.org.uk/press-releases/immigration-enforcement/>





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As well as being morally repugnant, and incompatible with international law, **these plans are unworkable.** The UK does not have any agreements in place with other Governments to be able to return people to their country of origin, or countries they have travelled through on their way to the UK. Removing people to “safe” third countries will not work as claimed because the Government has not made arrangements with other Governments that have the capacity to process all these asylum claims on behalf of the UK.

This will lead to exponential numbers of people left in limbo, locked out of the UK’s asylum system and unable to achieve settled status. Instead, they will have years and years of being an undocumented person, with no right to work, rent accommodation, access state support or get free healthcare. They will be denied the right to dignity, and humanity, and freedom, and unable to achieve any normal existence. Living in legal limbo will increase the risk of abuse, exploitation and destitution. Local Authorities will be left to pick up the pieces and manage the impact of this legislation.

Local Authorities are already stretched to their limits and social workers are struggling to cope with the amount of work there is to do. At a time when recruitment and retention of social workers is increasingly challenging,³ and the Government has recognised the need to value and stabilise the profession⁴, it is vital that social workers are not asked to work in oppressive working environments. More strain and stress in an already over-stretched system hurts social workers and hurts the people we work for!

These policy changes will make it very hard for social workers to adhere to our duty to uphold people’s rights, safeguard and promote their welfare, and deliver care.

³ <https://www.socialworkengland.org.uk/news/reflections-on-our-role-in-the-reform-of-children-s-social-care/>

⁴ <https://www.gov.uk/government/consultations/childrens-social-care-stable-homes-built-on-love>





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Our asks of you:

1. Read the rest of this briefing and share this information with your colleagues. **Please ask your team manager if you can raise this as a discussion point at your next team meeting.** If you are a social work student please ask one of your lecturers to give time for a discussion, or discuss it with your Practice Educator or in your placement team.

2. We encourage you to **contact the Director of Children's Services/Senior Management Team in your Local Authority** and share this information, raising your concern about the IMB. Ask them to let their workforce know what they are doing to plan for the implementation of this legislation and how they are going to mitigate against it?

-Does your Director of Children's Services recognise the risk posed by this legislation?

- Has your Director of Children's Services considered how they are going to manage this new legislation to ensure that children's rights and needs stay at the forefront of the support provided by Children's Services? If so, how are they going to do that?

-Has your Director of Children's Services considered how aspects of the Bill contravene social work professional standards? What are they going to do to support social workers to maintain their adherence to their professional standards?

-What budgetary assessments and plans are taking place to ensure your Local Authority is going to be able to cope with the massive increase in people needing support due to being locked out of the asylum process and having the No Recourse to Public Funds condition?

-In the event that this policy results in people being placed in risky circumstances, and local services not being able to meet need, this could lead to public service workers being blamed for the failure. Does your Director of Children's Services have a communication strategy to protect the reputation of social work and ensure that people know immigration policy from central government is responsible for the crisis? **What will your Director of Children's Services do to ensure central government provide adequate resources to deal with the impacts of this legislation?**

3. Even if all you do is read this briefing, please **complete our feedback form** about this action: <https://forms.office.com/e/7P43wxr9GK>. We would like to know if this resource is useful for social workers and if there is anything we could do to better support you to take action.

4. Read and share South London's Refugee Association's [Taking Care report](#) and pledge calling on local authorities to commit to:

- Identify all looked-after children and care leavers with immigration and nationality issues
- Connect looked-after children and care leavers with good quality legal support as soon as possible
- Take a proactive and informed role in supporting looked after children and care leavers through any immigration applications and appeals
- Enable those who are eligible to apply for permanent status and British citizenship

Please take this pledge forward in your Local Authority.





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Which specific parts of the Bill will have the biggest impact on social work practice with children?

FORCED REMOVALS

Clause 2: Duty to remove people from the UK as soon as possible. Once an unaccompanied child turns 18 years old the Home Secretary would have a duty to arrange their removal from the UK.

This means that looked-after-child pathway planning and leaving care support will be meaningless for this cohort of children.

This will increase the risk that children will go missing from care.

Even children who have a family member with status in the UK will be removed. This policy will actively separate children from their family.⁵

Clause 3: Unaccompanied children.

Although the Home Secretary does not have a **duty** to remove unaccompanied children before they turn 18 years old, the Home Secretary would have the **power** to do so under certain circumstances, for example where seeking to reunify a child with a family member or repatriate to another country's child protection system.

If a child that you are a social worker for is to be removed from the UK, as their social worker how will you know that it is safe for the child and in the best interests to be removed? What work will be done with children to ensure their views, rights, and needs are at the centre of any decisions about removing them from the UK?

DETENTION

Clause 11: New powers of detention

The Bill allows the Home Secretary to indefinitely detain children in families, unaccompanied children and pregnant women.

Immigration detention is harmful: it is particularly harmful and wrong to detain children and pregnant women. Even if not detained, the threat of being detained at any time, for an indefinite period, is also very harmful.⁶

UNEQUAL TREATMENT AND REDUCED CHILD PROTECTION FOR SEPARATED CHILDREN

Clause 15: Power for accommodation and other support for unaccompanied migrant children

This gives the Home Office the power to provide accommodation and support to children outside the scope of the Children Act 1989. The Home Office states that whilst they can provide these services they will not be acting as the corporate parent for separated children. There is no time limit on how long a child can remain in the care of the Home Office.

If the Home Office accommodates children in your locality, who has the duty to safeguard them? Under the Children Act 1989 the Local Authority has a safeguarding and welfare duty to children in their area, but the IMB gives the

⁵ [Illegal Migration Bill: children factsheet - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7272/illegal-migration-bill-children-factsheet.pdf)

⁶ <https://www.bma.org.uk/media/7272/bma-briefing-illegal-migration-bill-lords-report-stage-28-june-2023.pdf>





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Home Office the power to override any plans made in the Local Authority. This will leave separated children caught between two incompatible legal frameworks.

Clause 16: Transfer of children from Secretary of State to local authority and vice versa

As well as having the power to transfer children into the care of the Local Authority, the Home Secretary has the power to remove children from Local Authority care.

We know that having lots of placement moves/breakdowns is harmful to children, how can social workers protect children from instability and insecurity if the Home Office might move them in and out of Local Authority care?

Clause 17: Duty of local authority to provide information to the Secretary of State

This enables the Home Secretary to direct local authorities to share information about the support and accommodation provided to children in their care, as well as other information as requested. The Home Office states that this will 'inform arrangements made for the transfer of particular unaccompanied migrant children from the Secretary of State to that local authority or vice versa'.

What if it is not in the child's best interests to share this information, will social workers still have to do it even though they know it is going to lead to a harmful outcome for the child?

Clause 18: Enforcement of local authorities' duties under sections 16 and 17

If the Local Authority do not comply with sections 16 and 17, i.e., if they do not handover a child and relinquish their caring responsibility or if they do not share the child's personal information, the Home Secretary has the power to order them to do so.

This does not respect social workers expertise and integrity and allow them to exercise their judgement in relation to children's safety, welfare, rights and needs.

How can social workers build trusting relationships with the young people they support if they are compelled to be complicit with systems that harm?

How can social workers uphold what is in a child best interests if the Home Office has the power to override and carry-out actions that may be detrimental to the child's safety and welfare?

AGE ASSESSMENT

Clause 55: Decisions relating to a person's age

This removes the right of an individual to appeal an age assessment decision. The Home Secretary will not delay removing an age disputed child/young person whilst their likely age is established and a decision about whether they need to be treated as a child is made.

In 2022, over 850 children were wrongly assessed to be adults when arriving in the UK.⁷ It is vital that children are able to challenge decisions about their age because mistakes are often made.

⁷ <https://refugeechildrensconsortium.org.uk/wp-content/uploads/2023/06/RMCC-IMB-HoL-Report-Stage-Age-Assessments-June-23.pdf>





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Clause 56: Age assessments: power to make provision about refusal to consent to scientific methods

If an individual does not consent to a scientific age assessment, they will be treated as if they are over the age of 18.

The Government's own scientific advisors stated that it is unethical to coerce children/young people into participating in biological age assessment processes.

These assessments would not involve independent child protection experts.

What does this mean for our professional ethics and duty of care?



Not speaking out is not an option!



In order to maintain our professional registration, social workers in England must adhere to **Social Work England's Professional Standards**.⁸ In particular, we draw your attention to the relevance of the following points in the code of practice:

1. Promote the rights, strengths, and wellbeing of people, families and communities

As a social worker, I will:

1.2 Respect and promote the human rights, views, wishes

and feelings of the people I work with, balancing rights and risks and enabling access to advice, advocacy, support and services.

1.5 Recognise differences across diverse communities and challenge the impact of disadvantage and discrimination on people and their families and communities.

1.6 Promote social justice, helping to confront and resolve issues of inequality and inclusion

⁸ <https://www.socialworkengland.org.uk/standards/professional-standards/#top>





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4. Maintain my continuing professional development

As a social worker, I will:

- 4.4 Demonstrate good subject knowledge on key aspects of social work practice and develop knowledge of current issues in society and social policies impacting on social work.
- 4.5 Contribute to an open and creative learning culture in the workplace to discuss, reflect on and share best practice.

6. Promote ethical practice and report concerns

As a social worker, I will:

- 6.1 Report allegations of harm and challenge and report exploitation and any dangerous, abusive or discriminatory behaviour or practice.
- 6.2 Reflect on my working environment and where necessary challenge practices, systems and processes to uphold Social Work England's professional standards.

British Association for Social Work Code of Ethics⁹ states that as social workers we must:

2.2 Social justice

4 Challenging unjust policies and practices

Social workers are expected to bring to the attention of their employers, policy makers, politicians and the general public situations where resources are inadequate, and/or where distribution of resources, policies and practice are oppressive, discriminatory or otherwise unfair, harmful or illegal.

5 Working in solidarity

Social workers, individually, collectively and with others, have a duty to challenge social conditions that contribute to oppression, social exclusion, stigma or subjugation, and work towards an inclusive society.

⁹ [https://www.basw.co.uk/about-basw/code-ethics:](https://www.basw.co.uk/about-basw/code-ethics)





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What have others said?

Association of Directors of Children's Services:

"If implemented, the Bill will irreversibly distort the care system. The care system is not, nor should it, a holding mechanism for the immigration system. When a child first comes into our care, our primary focus is to find them a permanent, stable home as set out in statute. We cannot carry out this essential work if they are to be removed as soon as they turn 18 years old despite having care leaving rights and entitlements up to 25 years. The UN Convention on the Rights of the Child states that in all actions concerning children, the best interests of the child shall be a primary consideration. Sadly, this Bill is a clear step away from over 30 years of custom and practice in this country."

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Children's Commissioner for England

"The Children's Commissioner is concerned about the safety of unaccompanied children who are housed in Home Office run accommodation while awaiting transfer to local authorities. These children should have looked after child status from the moment they arrive and should be in the care of local authorities."

The Bill has the potential to make it harder for local authorities to fulfil their duties in the Children Act 1989. Working Together to Safeguard Children 2018 clearly details the Home Secretary's duty to safeguard and promote the welfare of children in relation to asylum and nationality issues, as set out in the Borders, Citizenship and Immigration Act 2009."

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¹⁰ [ADCS statement on Illegal Migration Bill | ADCS](#)

¹¹ [Briefing for MPs ahead of the report stage of the Illegal Migration Bill | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)





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Local Government Association

“We are also concerned that the Bill may be incompatible with the United Nations Convention on the Rights of the Child to which the UK is a signatory, in particular Article 3 (best interests of the child), Article 12 (respect for the views of the child), Article 22 (refugee children) and Article 39 (recovery from trauma and reintegration).

This incompatibility would place councils in the position of trying to comply with two competing sets of legislation as they attempt to fulfil their duties towards children.”

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Joint Committee on Human Rights

“The Bill places Home Office accommodation for unaccompanied children in England on a statutory footing. The Bill does not define what form such accommodation must take. Home Office accommodation under the Bill will not be subject to the duties under the Children Act 1989, which are the main way children’s welfare is safeguarded in England. No standards or requirements are set for Home Office accommodation under the Bill. The Home Office has been accommodating unaccompanied asylum-seeking children in hotels since 2021. Child-focused organisations have expressed concerns about the welfare of children in Home Office accommodation to date, given the number who have gone missing (and remain missing) and the inadequate and sometimes unsafe nature of the accommodation.”

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¹² [Illegal Migration Bill, Committee Stage, House of Commons, 27 and 28 March 2023 | Local Government Association](#)

¹³ [Legislative Scrutiny: Illegal Migration Bill \(parliament.uk\)](#)





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United Nations Committee on the Rights of the Child

“...the Committee urges the State party to:

(a) Urgently amend the Illegal Migration Bill to repeal all draft provisions that would have the effect of violating children’s rights under the Convention and the CRC/C/GBR/CO/6-7 19 1951 Refugee Convention, and bring the Bill in line with the State party’s obligations under international human rights law to ensure children’s right to nationality, to seek asylum and to have their best interests taken as a primary consideration, as well as to prevent their prolonged detention and removal;”

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Refugee and Migrant Children’s Consortium

“The Refugee and Migrant Children’s Consortium (RMCC) is profoundly concerned by the Illegal Migration Bill, which is an affront to the protections the UK should provide to children, young people and families under the Refugee Convention, the UN Convention on the Rights of the Child and the Children Act 1989. No Child Rights Impact Assessment has been undertaken.”

“The proposals contained in this Bill will have severe consequences for the welfare and physical and mental health of extremely vulnerable children who have fled conflict, persecution and other unimaginable harms and are in desperate need of support, stability and protection. The measures do not just affect those arriving on small boats, but instead impact nearly all children arriving in the UK and seeking protection who have not come by the very limited ‘safe routes’.”

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¹⁴ Committee on the Rights of the Child: Concluding observations on the combined sixth and seventh reports of the United Kingdom of Great Britain and Northern Ireland

tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GBR/CO/6-7&Lang=en

¹⁵ [RMCC-Briefing-Illegal-Migration-Bill-HoL-Second-Reading-.pdf](https://www.refugeechildrenconsortium.org.uk/RMCC-Briefing-Illegal-Migration-Bill-HoL-Second-Reading-.pdf) (refugeechildrenconsortium.org.uk)





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You have the power to make a difference: in your practice with individuals, within your team cultures, within the enactment of policy in your locality, and as part of the collective voice against the Government's inhumane immigration policies. Join us in the movement for migrant justice!



In solidarity,

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This briefing is supported by the following organisations:



THE JOINT COUNCIL
for THE WELFARE
OF IMMIGRANTS



Together with Migrant Children
Securing migrant children and young people's safety,
belonging and identity.



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