

APPG on Human Trafficking and Modern Slavery Panel Event Summary

Impact of Nationality and Borders Act on trafficked British and Foreign-National Children

23rd May 2023

Rt. Hon Karen Bradley MP (Co-Chair) introduced the meeting.

Juliette Cammaerts, The Office of the Children's Commissioner

The Children's Commissioner's position is that there is already a two-tier system in terms of how children are being treated, as it is clear that if children from any other institution went missing across the country, several protocols and referrals to the national safeguarding practice review would have been made. Juliette stated that up to 25% of unaccompanied children are not in education even after they have been in care for over a month. She noted that these children will one day be adults, highlighting the importance of intervening at an early stage to make sure these young people are integrated into the community.

Juliette highlighted the Office's three priority recommendations:

1. To have all the basic safeguards exist, hotels need to be legislated as Children's homes.
2. The proceedings of the Illegal Migration Bill and assessing the impact of the Nationality and Borders Act must not distract from what is happening now to children, and all the necessary steps must be taken now to better protect them.
3. Children should be nurtured and be provided with an environment where they feel they have someone to talk to. There have been reports of children claiming they cannot disclose what is happening to them as they believe it will lead them to be punished, as often suggested told by their traffickers.

Chief Supt. Tamasine Matthews, National Police Chief Council (NPCC) for Modern Slavery and Organised Immigration Crime

The Modern Slavery and Organised Immigration Crime Unit is waiting for the appointment of the Independent Anti-Slavery Commissioner who they have previously worked with very closely, on the Modern Slavery Bill and Government's Modern Slavery strategy. Tamasine requested for pressure to be put on these commitments.

Tamasine highlighted there is a need of urgent review of the impact of the change in the Reasonable Grounds decision threshold. Data for the first quarter of this year has shown that positive decisions has fallen from 85% to 58%. This data covers children, which is of concern.

When children are reported missing, there is an opportunity at the first interaction, normally with immigration enforcement, to collect as much information as possible. Tamasine emphasised that collecting as much accurate and correct information at this point is essential. Tamasine raised the question as to when DNA can be collected, as she explained that if children are drawn into organised crime groups, this is the only form of identity we can absolutely rely on.

Tamasine praised the child devolved decision-making pilot, which sees the devolvement of responsibility from competent authorities to local authorities and multi-agency panels. Tamasine noted that this should be rolled out nationally.

Tamasine mentioned the Justice & Care victim navigator programme, and recommended that this programme should be embedded into the modern slavery strategy.

DCC Catherine Hankinson, National Police Chief Council (NPCC) Lead for Missing People

Catherine explained that information gathering needs to be conducted by someone who is appropriately skilled to have those conversations, because if none of that information is captured, the police have no starting point if a person goes missing. She also noted the importance of return home interviews to understand as much information as possible as to what happened to the young person whilst they were missing.

Catherine highlighted that to unpick the 'why and where' of these missing episodes, an intelligence product had been commissioned via the National Crime Agency and UK Missing Persons Unit.

Patricia Durr, CEO Every Child Protected Against Trafficking (ECPAT)

Patricia emphasised that this is a safeguarding issue. She stated that the people missing at this event are those who are responsible for children, who are children's social care services within local authorities.

She stated that the UK have brilliant legislation, policy and guidance around child practice, including the Children Act. However, the Nationality and Borders Act and Illegal Migration Bill is creating fear amongst children and young people, as the legislation tells them that authorities are not safe places for them.

Patricia noted that one positive amendment that was made to the Nationality and Borders Act, is that children would not be punished for providing evidence or disclosing exploitation after the 'trauma deadline'. However, whilst the Act made provisions for adults to have permission to stay on the grounds of modern slavery, children were left out.

Patricia highlighted that migrant children are at much higher risk, and they are 'sitting targets'. She expanded that if a child has been trafficked into the UK, their trafficker knows where they are.

She recommended the improvement of multi-agency working, and professionals should be seeing the children they are advocating for in person rather than just having meetings.

Josie Allan, Missing People, Secretariat to the APPG on Missing Adults and Children

Missing People are conducting research on what good practice looks like in response missing unaccompanied asylum seeking children, which will be published in the summer. The research consists of interviews with police, local authorities and frontline forces. It will cover areas such as clarity of what services should provide, cultural competence as a way of preventative measure and good practice examples such as welcome groups in Bristol. Josie highlighted that the current hostile environment which does not provide adequate support or safeguarding for children will likely push more children to go missing.

Discussion

Karen Bradley asked about the effect of the Nationality and Borders Act. Tamasine mentioned that as in any process, there will be people who might use the system in an ingenuine way, which is whom it seemed the Act was targeted at. Karen noted that there was already a robust decision-making process in place before the Act was introduced.

Juliette Cammaerts noted that small boats is a new issue. Karen Bradley noted that small boats are visible, as opposed to other irregular means of entry into the UK. She noted that evidence does not suggest that abuse of the modern slavery system exists from people arriving on small boats.

Tamasine Matthews emphasised the need for First Responder training, and how it is not known what the impact of collecting objective factors as evidence for the National Referral Mechanism process has on First Responders. She noted that changes to the reasonable grounds were brought in without assessing how it would be interpreted.

Patricia Durr raised that the Nationality and Borders Act made changes for all victims, including British national victims and child victims, the latter who do not consent to enter the National Referral Mechanism, and therefore are not able to abuse it.

Juliette Cammaerts raised that there are misconceptions surrounding the language abilities of children in hotels. She expressed that children who have been in hotels for four months cannot speak basic English, which increases their vulnerability.

Baroness Butler-Sloss asked if there was any evidence that the number of hotels have decreased.

Patricia Durr answered that the numbers of children arriving to the UK have dropped because of bad weather, but they are commissioning for more hotels. Juliette Cammaerts added that there are now seven Home Office hotels for children, two of which are currently housing children. This number is likely to increase in the summer, as the weather improves.

Patricia Durr highlighted that guardians have less access to children in hotels than they do of children in local authority care. Juliette Cammaerts added that guardianship is not a preventative measure. She accepted that although ideally every unaccompanied asylum-seeking child should have guardian, in reality, they do not. She expanded that they have to be identified as a potential victim of trafficking to have access to an Independent Child Trafficking Guardian.

Baroness Butler-Sloss asked what impact creating safe routes will have.

Juliette Cammaerts raised that not enough is being done in the origin country. She added that more work needs to be done in Calais and France. Karen Bradley agreed that the UK have to work with the French.

Alan Rhees-Cooper raised that stopping one method of entry is not going to solve the problem because closing one entry route will only lead to traffickers and smugglers adapting their tactics. Small boats are a very conspicuous means of entry whereas clandestine entry on lorries and the use of fraudulent visas is less visible. Karen Bradley agreed, adding that numbers of people entering via trucks are likely much higher than via small boats.

Robyn Phillips raised the need for post legislative scrutiny for the Nationality and Borders Act before the Illegal Migration Bill is passed. Baroness Butler-Sloss accepted that this would be ideal, but noted that the government is in a hurry and such a process would not be possible.

Baroness Butler-Sloss (Co-Chair) thanked all the speakers for their contributions.