



Children in Greater Manchester with unresolved immigration status

May 2019

Who are we?

Greater Manchester Immigration Aid Unit (GMIAU) is a registered charity (1123908) based in the North West of England providing free, confidential, independent legal advice and representation on immigration and asylum. We currently support around 200 children and young people in Greater Manchester to access their rights through a combination of advice and representation in immigration law and public law, one-to-one support and group work.

What is the problem?

Hundreds of children in Greater Manchester face missing out on their right to remain in the UK or entitlement to British citizenship. Unresolved immigration status risks life-long personal suffering, forcing people to live outside the formal economy and drastically limiting their potential. In turn this has a significant loss, and cost, to society. When children get their status resolved, it unlocks their potential and benefits society. Without it they are at increased risk of homelessness, social isolation, low educational achievement, unemployment, mental and physical ill-health.

Which children are we talking about?

Children affected include looked after children (as well as children in families) where their immigration status is unknown or unclear; trafficked children; and separated children claiming asylum.

Why is this urgent?

If children do not get their immigration status resolved while they are under 18 or young adults, not only does it mean their childhood is spent in uncertainty but legally it becomes significantly harder for them to resolve matters when they are older.

What is the impact of Brexit?

There is a pressing need for children's services to plan support for children because of Brexit and its impact on the immigration status of EU citizens. As a result of Brexit the number of children in the UK with immigration issues to resolve will increase significantly. Research from the Migration Observatory at the University of Oxford shows that there are over 900,000 children of non-Irish EU citizen parents in the UK, over half of whom were born here.

EU citizens, including children, who want to remain in the UK lawfully must apply for the EU Settlement Scheme. Depending on how long they have been in the UK they may be eligible for either 'settled status' or 'pre-settled status'. People will not automatically get their status conferred unless they proactively apply for it. And, unlike under free movement rules, going forward it will not be enough for EU citizens to present a passport or national identity document to demonstrate their status. Some EU citizens, children included, will also be entitled to British citizenship but will again need to take steps to establish or register their citizenship where they

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are eligible. It is estimated that, excluding those who are already British citizens, if only 15% of non-Irish EU citizen children in the UK do not regularise their status it will effectively double the number of undocumented children in the UK.

To avoid another Windrush generation in 2019, it is imperative EU citizen children in Greater Manchester are supported to resolve their immigration status following the UK's withdrawal from the EU. Without status these children run the risk of falling on the wrong side of hostile environment policies that could go on to leave them destitute, detained or removed from the UK.

How does this affect children in care and care leavers?

Looked after children and care leavers have been identified as particularly at risk of missing out on resolving their immigration status as a result of Brexit. Without support from local authorities as part of their corporate parenting duty, children and young people are unlikely to know about the settlement scheme for EU citizens, or how to access legal advice to understand their situation, or to be able to acquire evidence of their nationality or the length of their residency in the UK (both of which are needed in order to make applications).

What needs to happen?

There needs to be a conversation within children's services across Greater Manchester to support children with unresolved immigration issues – including those affected by Brexit and especially children who are looked after or accessing leaving care services.

At a minimum children need to access independent immigration advice to understand how they are affected and what needs to happen to resolve their situation. To do this children's services need to

- **Learn:** understand the importance of resolving children's immigration status
- **Identify:** know which children have unresolved immigration status
- **Plan:** ensure all care planning involves work to resolve immigration status
- **Take action:** the time to act is now, it is never too early to resolve a child's immigration issues
- **Follow up:** make sure all planning reviews actions to resolve immigration status

This is not just about EU citizen children....

While Brexit undoubtedly increases the numbers of children who need to resolve their immigration status this is not just about Brexit and EU citizen children. We have a wider concern about all children with unresolved immigration issues, significant numbers of whom may have been born in the UK or spent most of their childhood here, and may well identify themselves as 'British'. We are therefore encouraging local authorities to use the planning required for Brexit as an opportunity to ensure all children with unresolved or unknown immigration issues are identified and properly supported (particularly those children in care and care leavers) so that we can make sure no child in Greater Manchester is left behind.

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