Refugee and Migrant Children's Consortium

Immigration and Asylum Bill - Report Stage
November 2026

1. Introduction: Oppose the refugee u-turn

The Refugee and Migrant Children's Consortium (RMCC), a coalition of more than 100 organisations working with refugee, migrant and separated children, is deeply concerned about the impact of the Immigration and Asylum Bill on children, young people and families.

The Bill forms part of the wider changes being implemented following the May 2025 Immigration White Paper, the November 2026 policy papers 'Restoring Order and Control' and 'A Fairer Pathway to Settlement' and the November 2026 response to the earned settlement consultation.[1] We are deeply concerned by the **refugee u-turn** in a footnote in the earned settlement response, which would bring 200,000 refugees, including 30,000-35,000 children, into core protection and earned settlement with up to 30-year pathways **retrospectively** – after the Government explicitly said in March 2026 this cohort would be able to apply for settlement after five years. As a priority, we urge support for **Amendment 43 tabled by Stella Creasy**, which would preserve the March 2026 position.

Amendment 43 – preserve the five-year route for 200,000 pre-2 March 2026 refugees
Clause 26, page 24, line 29, at end insert-
"(3A) Regulations under subsection (2) must provide that a person with protection status who made a protection claim on or before 1 March 2026 is eligible to apply for indefinite leave to remain no later than five years after they were granted protection status."
Member's explanatory statement:
This amendment would require regulations made under subsection (2) to ensure that refugees who applied for asylum before 1 March 2026 to continue to be eligible for indefinite leave to remain after 5 years. This reflects the policy position set out in the explanatory memorandum to the Statement of Changes to the Immigration Rules laid before Parliament on 5 March 2026.

This briefing outlines the impact of provisions and amendments affecting children including:

- **ARTICLE 8: Clause 22** narrows the definition of family life for Article 8 purposes. **Clause 23** restricts how children's family and private life is considered in Article 8 decisions. At Report Stage we ask MPs to support **Amendment 75** to prevent a child's manner of arrival being held against them under the good character factor and **Amendments 68 and 70** to ensure the appropriate weight is given to children's private and family life and best interests.
- **CORE PROTECTION: Clauses 25-27** introduce the new 'core protection' model for refugees (partly covered by the Bill but with most changes introduced via updates to the Immigration Rules). At Report Stage we ask MPs to support **Amendment 43** to protect the five-year settlement route for those who claimed protection by 1 March 2026.

[1] Restoring control over the immigration system: white paper - GOV.UK and A Fairer Pathway to Settlement: A statement and accompanying consultation on earned settlement and https://www.gov.uk/government/consultations/earned-settlement/outcome/a-fairer-pathway-to-settlement-government-response-to-the-consultation

- **ASYUM SUPPORT: Clauses 28 and 29** introduce powers to make recognised refugees repay the cost of their asylum support and accommodation. At Report Stage we ask MPs to support **Amendment 32**.
- **MODERN SLAVERY: Clause 41** introduces credibility provisions that risk child victims of trafficking being disbelieved because of delayed disclosure. **Clause 43** disqualifies children exploited on the grounds of national security support and identification as victims of modern slavery. **Clause 44** removes the duty to grant Victim of Trafficking Stay (VTS) leave and further restricts access to secure immigration status for child victims. **Clause 49** removes the Secretary of State's statutory duty to provide assistance and support to child victims of trafficking. At Report Stage we ask MPs to support **Amendments 76 and 77**.
- **CHILD CITIZENSHIP:** At Report Stage we ask MPs to support **New Clause 56** on the fees for a child to register as a British citizen.
- **PATHWAY FOR LOOKED-AFTER CHILDREN:** At Report Stage we ask MPs to support **New Clause 70** on realising the Government's commitment to create a 'clear pathway' for children in care.

RMCC is also deeply concerned about the proposed changes to the **asylum appeals system** in Part 1 of the Bill. RMCC also endorses the briefings by the Law Society and Immigration Law Practitioners' Association on the proposed changes to the asylum appeals system.

2. Assess the impact on children's rights

The Government has committed to assessing the impact of its asylum and immigration reforms on children. We welcome the Government stating in the House of Lords its commitment to the UN Convention on the Rights of the Child in this context, with Lord Hanson stating on 26 January 2026:

> *'The UK Government are committed to the United Nations Convention on the Rights of the Child. I give that commitment to the noble Lord: that is what we are committed to. The policies that we are bringing forward, which are subject to consultation, will be in line with those policy objectives.'*[2]

However, the Home Office is undertaking not a Child Rights Impact Assessment but a 'children impact assessment' and has not committed to publish it.[3] We urge Ministers to ensure that their assessment includes the measures in this Bill, takes the form of a **Child Rights Impact Assessment** using the Department for Education's established template and is published as soon as possible.

RMCC supports **New Clause 71 tabled by Liv Bailey**.[4]

New Clause 71 – impact on children's rights
To move the following Clause—
"Impact of Immigration legislation on the rights of children
(1) The Secretary of State must, within 3 months of the passage of this Act, prepare and publish a report of the cumulative impact on the rights of children of—
(a) this Act;
(b) the Immigration Rules;

[2] Hansard, 27 January 2026: https://hansard.parliament.uk/lords/2026-01-27/debates/2B4BBB9A-BF8C-4E87-93A3-D27354180760/AsylumAndImmigrationChildren
[3] https://questions-statements.parliament.uk/written-questions/detail/2026-09-01/hl2952
[4] RMCC also supports New Clause 21 tabled by Max Wilkinson calling for an independent economic assessment of earned settlement.

(c) any other legislation the Secretary of State considers appropriate; or
(d) any proposed changes to legislation in subsections (a) to (c).
(2) The report under subsection (1) must be laid before both Houses of Parliament."

Member's explanatory statement:
This new clause would require the Government to review the impact of this Act and the Immigration Rules on the rights of children.

This Bill should be assessed to ensure it complies with the UK's obligations to protect every child, regardless of their immigration status, and with our obligations under the UN Convention on the Rights of the Child. As the Children's Commissioner has said:

> '*…children's best interests should always be at the centre of decisions about their lives. And I am clear that includes every child in the country – with no exceptions.*'[5]

3. Article 8: Give proper weight to what is best for children

Article 8 of the European Convention on Human Rights protects the right to respect for private and family life. For children and young people, it protects their identity, sense of belonging and the relationships that are fundamental to their upbringing and development. Decisions about Article 8 often determine whether families are kept together and whether children and young people have permission to remain in the only country they have ever known.

The Bill changes how Article 8 is to be considered by narrowing the definition of family life and giving greater weight to immigration control. These changes do not give due heed to children's best interests, contrary to Article 3 of the UN Convention on the Rights of the Child and section 55 of the Borders, Citizenship and Immigration Act 2009. They go so far in restricting the definition of family as to **not count a child's siblings**. They do not take account of the ***public interest* in children's upbringing**.

Article 8 ECHR is already a qualified right, and one that is applied restrictively. The clearest evidence of this is the hundreds of British and settled families already forcibly separated by the UK's family migration rules. Since 2012, the **minimum income requirement** has kept children, many of them British citizens, apart from a foreign parent solely on the basis of the British parent's income. A right that has been unable to reunite these children with their parents cannot credibly be described as 'too powerful'.

Case study

Caroline and Carlos met in Ecuador in 2015. They married over there and when Caroline, who is British, fell pregnant, she moved back to the UK to work, build up some savings and give birth. She thought her stay would be temporary and she would head back out to Ecuador soon afterwards.

Yet still, it all started to fall apart after Thomas was born. Suffering from what she now realises was postnatal depression, Caroline found that she did not want to leave the UK. Carlos had come over on a visit visa for the birth and eventually they decided to apply

[5] https://www.childrenscommissioner.gov.uk/resource/consultation-response-family-returns-home-office/

under Exceptional Circumstances for him to stay.

With Carlos not allowed to work, no money between them and facing huge application fees and lawyer costs, they ended up living off credit cards in a caravan in a friend's garden.

To make things worse, their application was initially refused by the Home Office, before their appeal was eventually allowed no less than another year later, after a thirty-minute hearing.

Case study courtesy of Reunite Families UK

The Bill also introduces new statutory criteria for determining when it would be unreasonable to expect a child to leave the UK. The provisions provide a limited checklist which is not in line with a proper best interests assessment under both Article 3 of the UN Convention on the Rights of the Child and section 55 of the Borders, Citizenship and Immigration Act 2009.

RMCC supports **Amendment 75 tabled by Stella Creasy**.

Amendment 75 – ensure a child is not penalised on good character
Clause 23, page 21, line 22, at end insert—
"(3B) For the purposes of subsection (3A), the manner of a person's entry to or arrival in the United Kingdom is to be disregarded where, at that time, the person was
(a) under the age of 18;
(b) a victim of slavery or human trafficking;
(c) brought to the United Kingdom by force, threats, coercion, abduction, fraud or deception; or
(d) lacked capacity to make decisions about travelling to the United Kingdom."
Member's explanatory statement:
This amendment would ensure that the manner of arrival of a person who came to the UK as a child, a trafficking victim, under coercion or without capacity does not count against them under the new public interest considerations on good character.

RMCC supports **Amendment 68 tabled by John McDonnell**.

Amendment 68 – give due weight to children's private and family life
Clause 23, page 21, line 23, leave out subsections (4) and (5)
Member's explanatory statement:
This amendment would leave the existing "little weight" position under section 117B(4) and (5) of the Nationality, Immigration and Asylum Act 2002 unchanged.

RMCC supports **Amendment 70 tabled by John McDonnell**.

Amendment 70 – give due weight to children's best interests
Clause 23, page 21, line 37, at end insert—
"(d) it is otherwise in the best interests of the child for them to remain in the United Kingdom, having regard to all the circumstances of the case."

4. Core protection: Do not make refugee children wait decades for a stable future

As above, we urge support for **Amendment 43 tabled by Stella Creasy**.

In 'Restoring Order and Control' (ROC) in November 2025 the Government outlined its plans for a new system of 'core protection' for refugees, which would significantly reduce their rights and lengthen the time before they can apply for indefinite leave to remain (ILR, referred to as 'settlement'). The first part of this system was introduced in March 2026, with grants of leave for refugee adults and families being halved to 30 months from five years through a change to the Immigration Rules. ROC also proposed the route to settlement being lengthened from five years to 20, with the possibility of reducing that time to 11 years if refugees went into work or study. Deep concerns were shared with the Government about the impact this would have on refugees' mental health and integration and the incompatibility of such changes with the UN Refugee Convention and the UN Convention on the Rights of the Child.

On 2 November 2026, the Home Secretary announced the plans for earned settlement and, contrary to previous commitments, stated – via a footnote – that the changes to settlement for refugees would be retrospective so that *all* people seeking asylum and refugees who do not have ILR yet will be impacted, not just those who applied from March 2026 onwards. This would move a staggering additional **200,000 people, including 30,000-35,000 children**, from the five-year route to settlement to the 20-30 year one, without warning. Thousands of refugees, including children in families, who thought they were just months away from being able to access settlement could now have to wait for another 25 years.

The route is up to 30 years because the Government announced on 2 November that those who enter the UK irregularly will face an additional 10-year penalty on top of the previously announced 20 years. This means many will have to wait 30 years for permanent settlement – and possibly more if they still owe money under the 'refugee tax' or if they need to rely on state support or have any kind of criminal record, even a conditional caution.

The Government has stated that a new 'protection work and study' route will be established, allowing refugees to 'earn down' the length of time before they can settle by ten years. However, no details about this route and how it will work in practice have been shared.

These changes do not impact unaccompanied children, who are still on the old, five-year route, but they do impact **tens of thousands of accompanied children in families**.

The Bill establishes a single category of 'core protection', replacing the existing distinction between refugee status and humanitarian protection. Concerns raised at Committee include:

- Insufficient parliamentary scrutiny, with important decisions about refugees' rights left to subsequent regulations while Parliament is asked to approve the new framework;
- Uncertainty about future entitlements, including settlement and family reunion;
- Broad powers to revoke protection status.

Stability and permanence should not be rewards but prerequisites for rebuilding a life: they enable people to work, study, form relationships, contribute to their communities and plan for the future. It is impossible to expect people to start new lives while living with a temporary status that expires every 30 months for up to 30 years, living through decades of fear and uncertainty having already faced war, conflict and persecution. This works directly against Government ambitions on integration and on homelessness.

For refugee children, temporary status and a decades-long route would undermine their well-established need for stability as they recover and rebuild their lives, as stipulated in the UN Convention on the Rights of the Child. It would undermine their ability to integrate in their local community and work towards a positive future, including progressing in education. It is difficult enough to restart life and education in a new country and language, but denying children clarity about their future hinders their recovery, with damaging consequences for their well-being and development – as well as for the Government's wider ambitions to raise the healthiest generation, address educational inequalities and tackle child poverty.

These reforms risk violating international obligations to refugees. They will also cause chaos for the Home Office, which will now have decades of repeated extra applications to process at enormous cost.

5. Asylum support: Refugee tax will create debt and hinder integration

Clauses 28 and 29 introduce powers for the Home Secretary to require people who have received asylum support, including accommodation and basic subsistence **whilst they are not allowed to work**, to repay the cost of that support once granted refugee status. Regulations will determine how much would be paid and in what circumstances but the Home Office has briefed the press that it could be up to £10,000. This is a flat rate, with no accompanying calculations published, justified on the basis that the Home Office currently spends £34,000 per person accommodated in a hotel.

Although the Bill provides that repayments should not leave a person destitute and exempts some groups, including children aged under 18 whilst in support, it will still have a significant impact on families and young people trying to rebuild their lives. Children who turned 18 whilst in asylum accommodation will not be exempt, despite the fact that they have no control over how long their asylum decision takes and they will be reliant on asylum support during that time. This leaves open the possibility that a child could be liable for the charge even if they only turned 18 the day before they were granted protection. It also does not reflect that even when someone turns 18, they are still a young person for whom it is unreasonable to give thousands of pounds of debt when they are taking their first steps into adulthood and in a new country.

Many recognised refugees spend years recovering from trauma, overcoming barriers to employment and securing stable housing after lengthy asylum procedures. Requiring them to repay the costs of essential support risks creating debt and financial insecurity at the very point they are trying to integrate into society – and potentially makes it harder for them to succeed in entering the proposed 'protection work and study' route, which is what the Government purportedly wants them to do.

The threat of future debt could also deter families and young people from accessing the support they need during the asylum process, undermining the purpose of the asylum support system as a safety net for those who are legally prohibited from supporting themselves while awaiting a decision. This creates significant safeguarding risks for children and young people, with implications for local authorities.

It is unclear how the government will decide that payments are 'affordable' as this is to be set out in regulations, but it is understood that they will use the same 'destitution test' that is used when people apply for asylum support, the definition set out in the Immigration and Asylum Act 1999. This is concerning as the government's view of what is needed to prevent destitution is

already worryingly low, as can be seen in the weekly asylum payment amounts: £49.18 for those in self-catered asylum accommodation or a mere £9.95 for those in full-board hotels. What counts as 'essential living needs' is very minimal. The Asylum Support Regulations 2000 set out some items that are expressly not allowed to be considered essential living needs, including 'toys and other recreational items' and 'entertainment expenses'. Potentially, families could be required to pay this charge even if in deep material poverty.

The introduction of this new **refugee tax** works directly counter to the ambitions of the child poverty strategy.

RMCC supports **Amendment 32 tabled by Siân Berry**.

Amendment 32 – repayment of asylum support
Page 25, line 20, leave out Clause 28

6. Modern slavery: Protect and support child victims, don't punish them

It is very important that delayed disclosure is not used to undermine a child's credibility. **Clause 41** introduces new statutory credibility provisions for trafficking decisions. It requires decision-makers to treat delays in disclosing trafficking or providing relevant information as damaging to a person's credibility unless there are good reasons for the delay.

Delayed disclosure is a well-recognised feature of human trafficking, particularly for children. Children often do not disclose their exploitation immediately because of trauma, fear, coercion, grooming, shame, distrust of authorities or because they do not recognise themselves as victims. The Home Office's own modern slavery statutory guidance acknowledges that victims' accounts may be affected by trauma and that delayed disclosure is common.

By requiring delayed disclosure to count against a child's credibility, the Bill risks children being wrongly disbelieved and denied protection simply because they were unable to disclose their experiences at the earliest opportunity. This approach is inconsistent with a child-centred and trauma-informed response to trafficking and places an unrealistic burden on children who have experienced serious abuse.

Practitioners consistently see that children who have experienced trafficking and exploitation disclose their experiences gradually over time, rather than providing a complete and consistent account at the first opportunity

One Guardian described supporting a young person who had been trafficked into the UK and held in slavery as a child. Even years after escaping, the young person remained fearful that his exploiters would find him and continued to experience flashbacks, dissociation and hypervigilance when discussing his experiences. Building sufficient trust for meaningful disclosure took considerable time.

The Guardian highlighted that children who have experienced severe trauma suppress painful memories, enter a freeze response when asked about their experiences or provide information that is fragmented and inconsistent. In their professional experience, such inconsistencies are rarely indicators of dishonesty. Rather, they are a recognised consequence of trauma, fear and exploitation.

Shame, fear of reprisals and concerns about information reaching exploiters can all delay disclosure and affect how a child recounts their experiences.

Case study courtesy of Barnardo's Northern Ireland

As the Independent Anti-Slavery Commissioner has said: *'There should be a clear carve-out for children. We shouldn't be questioning children's credibility.'*

Although we welcome the Government's amendment to **Clause 43**, which exempts all children from public order disqualification, regardless of immigration status, this clause retains exclusions for support and identification of child victims of modern slavery on the grounds of national security.

Secure immigration status should be based on a child's best interests. **Clause 44** removes the Secretary of State's duty to grant Victim of Trafficking Stay (VTS) leave to confirmed victims of trafficking for the purposes of recovery and further restricts eligibility by removing the 'personal circumstances' ground for granting leave. For child victims of trafficking, secure immigration status is often essential to recovery, safeguarding and long-term stability. The Bill further weakens access to immigration status by removing the duty to grant leave and narrowing the circumstances in which it can be provided.

These changes move further away from the standards set out in the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT), which provides that residence permits for child victims should be granted in accordance with their best interests. The Bill makes it more difficult for child victims to obtain the secure immigration status they may need to recover from exploitation and rebuild their lives.

Child victims of trafficking should have a statutory right to support. **Clause 49** removes the Secretary of State's statutory duty to secure assistance and support for child victims of trafficking during their recovery period. The Government's Explanatory Notes state that this reflects current practice, as support is generally provided through local authorities and other existing services. In practice, many child victims are already not receiving the support they are entitled to under the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) and some receive little or no support from children's services. Rather than addressing these gaps, Clause 49 removes an important statutory safeguard and weakens accountability for ensuring child victims receive the assistance they need.

The Government's earned settlement proposals also fail to explicitly recognise confirmed child victims of modern slavery and trafficking as a distinct vulnerable group requiring **protection from longer settlement pathways**, despite recognising other groups including victims of domestic abuse. This risks leaving trafficked and exploited children and young people facing prolonged immigration insecurity.

RMCC supports **Amendment 76 tabled by Liv Bailey**.

Amendment 76 – child victims and credibility

Clause 41, page 43, line 24, at end insert—

"(6A) Subsection (2) does not apply to a statement made by a person who was under the age of 18—

(a) when that person made that statement; or

(b) when that person entered the United Kingdom."

Member's explanatory statement:

This amendment would mean that statements made by children under the age of 18, or a delay in a person who entered the UK as a child making such a statement, cannot damage that person's credibility when they claim to be a victim of modern slavery or human trafficking.

RMCC supports **Amendment 77 tabled by Liv Bailey**.

Amendment 77 – extending Independent Child Trafficking Guardians
Clause 47, page 50, line 7, at end insert—
"(6) After subsection (6) insert—
"(6A) Subsections (1) to (6) apply in relation to former relevant children as they apply in relation to children.
(6B) For the purposes of subsection (6A), "former relevant children" means children to whom local authorities have duties under section 23C of the Children Act 1989 (continuing functions in respect of former relevant children).""
Member's explanatory statement:
This amendment extends the support provided by independent child trafficking guardians in the case of children who are care leavers until their 25th birthday.

7. Child citizenship

RMCC welcomes the £214 reduction in the fee to register a child's right to British nationality in April 2026 from £1214 to £1000. However, too many children are still prevented from realising their right by the fee.

RMCC supports **New Clause 56 tabled by Bell Ribeiro-Addy**.

New Clause 56 – reduce child citizenship fee
To move the following Clause—
"Children registering as British citizens: fees
(1) The Secretary of State must, within two months of the passing of this Act, make such amendments to the Immigration and Nationality (Fees) Regulations 2018 as may be necessary for the purposes of providing that—
(a) the fees charged for applications for registration as a British citizen under the British Nationality Act 1981 or the British Nationality (Hong Kong) Act 1997, where the person in respect of whom the application is made is a child at the time the application is made, do not exceed the cost to the Home Office of processing the application;
(b) no fees are charged for applications for registration as a British Citizen under the British Nationality Act 1981 or the British Nationality (Hong Kong) Act 1997 where the person in respect of whom the application is made is a child born to a father or mother who—
(i) had previously entered the UK while holding leave to enter the UK; and
(ii) were subject to UK immigration control at the time of the child's birth.
(2) Within six months of this Act being passed, the Secretary of State must lay before Parliament a report setting out the effect on the human rights of child applicants of the fees charged for registration as a British citizen under the British Nationality Act 1981 or the British Nationality (Hong Kong) Act 1997."
Member's explanatory statement:
This new clause would limit the fee for registration as a British citizen for child applicants to the administrative cost, and require no fee to be charged in respect of UK-born children of parents who did not have British citizenship or settled status but had leave to enter the UK.

8. Pathway for looked-after children

RMCC members work with hundreds of children whose immigration status and nationality are left unresolved while they are in care, including UK-born children.

RMCC welcomed:

- The Home Office's commitment in the May 2025 White Paper and November 2025 earned settlement consultation to create 'clear pathway' for looked-after children;
- The March 2026 Children's Social Care National Framework, which mentions the need to identify and resolve looked-after children and care leavers' immigration status and nationality;
- The Home Office's mention in the 2 November 2026 earned settlement response that children in local authority care will retain their 'existing bespoke settlement arrangements'.

However, the reference to existing arrangements is somewhat confusing because the provisions that exist for these children have not yet been formalised as a 'clear pathway' in the Immigration Rules.

RMCC supports **New Clause 70 tabled by Liv Bailey**.

New Clause 70 – Pathway for children in care
To move the following Clause—
"Pathway to settlement for looked-after children
(1) The Secretary of State must, no later than 6 months after the day on which this Act is passed, lay before Parliament a report on the steps the Secretary of State proposes to take to provide a child who is looked after by a local authority and who has not yet settled in the United Kingdom with a pathway to settlement in the United Kingdom.
(2) In subsection (1)—
"a child who is looked after by a local authority" has the same meaning as section 22 of the Children Act 1989;
"settled in the United Kingdom" has the same meaning as in section 33(2A) of the Immigration Act 1971."
Member's explanatory statement:
This new clause requires the Secretary of State to report to Parliament within 6 months of the Bill receiving Royal Assent about how the Secretary of State plans to support children who are being looked after by local authorities to achieve settled status in the UK.

The Refugee and Migrant Children's Consortium is a coalition of over 100 organisations working to promote and protect the rights of young refugees and migrants.

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